United Nations A/53/PV.42

General Assembly
Fifty-third Session

Official Records

42nd plenary meeting
Thursday, 22 October 1998, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 10.20 a.m.

Agenda item 7

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations

Note by the Secretary-General (A/53/357)

The President (*interpretation from Spanish*): As members are aware, in accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General is mandated to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal.

In this connection, the General Assembly has before it a note by the Secretary-General issued as document A/53/357.

May I take it that the Assembly takes note of that document?

It was so decided.

Agenda item 27

Cooperation between the United Nations and the League of Arab States

Report of the Secretary-General (A/53/434)

Draft resolution (A/53/L.11)

The President (*interpretation from Spanish*): I call on the representative of Egypt to introduce draft resolution A/53/L.11.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): In my capacity as Chairman of the Arab Group for the month of October, I have the honour to submit, on behalf of the Arab delegations of Algeria, Bahrain, Djibouti, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, Yemen and Palestine, the draft resolution contained in document A/53/L.11, under agenda item 27, entitled "Cooperation between the United Nations and the League of Arab States".

The League of Arab States is considered to be the oldest regional organization in the world, because it was established in March 1945 — seven months before the founding of the United Nations itself. The League is proud to be very closely linked with the United Nations. Such a link is considered to be a real, tangible expression of the cooperation and coordination that are required

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under the provisions of Chapter VIII of the Charter between the United Nations and regional arrangements. I would note here that such links have been strengthened since the General Assembly at its forty-eighth session adopted by consensus a resolution on cooperation between both organizations.

There is no doubt that at present we see that the relationship between the two organizations is becoming more diversified as far as joint cooperation is concerned. Foremost among the issues of concern to the two organizations are matters related to international peace and security. In this respect, we believe that there is an urgent need to intensify cooperation and coordination between the United Nations and the League of Arab States in order to achieve a just, lasting and comprehensive peace in the Middle East that will guarantee to the Palestinian people all their legitimate national rights, foremost among which is its inalienable right to establish its independent state. It will also guarantee the rights of Syria and Lebanon to regain their occupied territories.

From another perspective, the Arab States note with satisfaction the reference in document A/53/434 to cooperation between the League and the various organizations and specialized agencies of the United Nations system in the economic, social, developmental and technical fields, thereby benefiting all the member States of the League. We also note that there are other areas and greater opportunities for cooperation and coordination that should be pursued further, especially at the technical level, in order to achieve the common objectives of the two organizations.

In the preamble to the draft resolution submitted to the General Assembly, certain paragraphs stress the aspiration of both organizations to consolidate the ties existing between them in various fields and their desire to continue cooperation in order to contribute to the promotion of the purposes and principles of the United Nations.

In the operative paragraphs of the draft resolution, the General Assembly expresses its appreciation to the Secretary-General for the follow-up action taken by him to implement the proposals adopted at the coordination meetings between the two organizations over the last year. We also request the Secretary-General to continue his efforts to strengthen the coordination between the two organizations and the agencies related to both of them.

Operative paragraph 10 welcomes the results of the sectoral meeting on trade and development held in Cairo in June 1998. Paragraph 12 reaffirms the importance of holding the next meeting on cooperation between the representatives of the two secretariats during 1999, and a sectoral meeting on one of the areas of priority during the year 2000.

Finally, on behalf of the Arab Group, I should like to invite the General Assembly, which represents the international community, to support cooperation between the United Nations and the League of Arab States through the adoption by consensus of the draft resolution before us.

The President (*interpretation from Spanish*): In accordance with General Assembly resolution 477 (V), of 1 November 1950, I now call on the observer of the League of Arab States.

Mr. Hassouna (League of Arab States) (*interpretation from Arabic*): At the outset, allow me to extend to you, Sir, my warmest congratulations on your assumption of the presidency of the fifty-third session of the General Assembly. Your election to this lofty post bears witness to the trust we place in you and the appreciation of the international community for your country, Uruguay.

The League of Arab States came into being in March 1945 as the first regional organization within the framework of the new international order that was established following the Second World War. Cooperation between the League and the United Nations has developed gradually and continuously, and as a result we have accumulated considerable experience and achieved major objectives over the years. All of our experiences and achievements confirm the necessity and the importance of intensification of our cooperation to ensure international peace and security and to serve the common interests of both organizations, not only at the political level, but also at the economic, social, cultural and humanitarian levels.

In this context, allow me to reaffirm the keenness of the League of Arab States and its specialized agencies to continue and strengthen cooperation with the United Nations in all fields. This was referred to in the report submitted by the United Nations Secretary-General to the Assembly today in document A/53/434. That report contains the most important aspects of cooperation, coordination, consultation and exchange of information between the League of Arab States and the United Nations at all levels over the period covered.

The report of the Secretary-General that we have before us states that consultations were pursued between the Secretaries-General of the United Nations and the League of Arab States both during the last session of the General Assembly and during the United Nations Secretary-General's visit to the Middle East in March 1998. At those meetings, the two Secretaries-General discussed Arab issues of regional and international importance, such as the questions of Iraq, Libya, Somalia and the Comoros, in addition to the Palestinian question and the peace process in the Middle East. Although they discussed those issues, in our view progress in efforts to contain or settle many of these crises depend to a great extent on constructive cooperation and fruitful consultations between these two Secretaries-General, in fulfilment of the common objectives and interests of both the United Nations and the League of Arab States.

At its last session, the General Assembly adopted a resolution to hold a sectoral meeting on the question of trade and development — a priority area for the attainment of progress in economic and social development in the Arab region — at the headquarters of the League of Arab States in 1998. That meeting was quite successful, as it stressed the importance of giving impetus to international and regional cooperation in the area of trade and development. In this respect, account was taken of the efforts to set up an Arab free-trade zone, to develop inter-Arab trade relations and to deal with the social and economic consequences resulting from world economic trends, while strengthening Arab economic potential with respect to competitiveness in the world markets. This was done in full awareness of the fact that the development ambitions of the Arab States cannot be fully achieved except in an environment of stability, security and just and comprehensive peace in the Arab region.

From this rostrum, at the last session of the General Assembly, the League of Arab States expressed its appreciation and support for the Secretary-General's report on reform which, *inter alia*, affirmed the Organization's determination to strengthen cooperation with regional organizations so that these organizations may increasingly become partners with the United Nations in all areas relating to international peace and security and the prevention of conflicts. The League of Arab States participated in the third joint meeting between the United Nations and regional organizations, held at Headquarters on 28 and 29 July 1998, on the question of cooperation to prevent conflicts. At that meeting, the League of Arab States expressed its concept of how to strengthen cooperation between the United Nations and regional organizations in this sphere. In this regard, it stressed preventive measures, including early warning systems, preventive diplomacy, preventive redeployment, preventive disarmament and peace-building on the basis of evolving economic and social capacities. We look forward to the meeting on follow-up, to be held by the representatives of concerned organizations on 10 and 11 December of this year, hoping that it might be possible through that meeting to set up new, practical mechanisms for strengthening cooperation in conflict prevention measures. This would accomplish complementarity of undertakings by the various organizations in accordance with the provisions of Chapter VIII of the Charter.

Despite the increasing role and importance of the League of Arab States in endeavours relating to international peace and security, as has been reflected in Security Council and General Assembly resolutions, the League does not yet have recognition by the host country of United Nations Headquarters; nor has it been granted the same full diplomatic status as other regional organizations in accordance with Chapter VIII of the Charter. That recognition of diplomatic status for the League of Arab States and other, similar regional organizations, such as the Organization of African States and the Organization of the Islamic Conference, would bolster the capacities of the Missions of those organizations, facilitating their tasks, and removing some common obstacles to the fulfilment of their responsibilities in the host country. In this respect, we should bear in mind that the League of Arab States, as well as other regional organizations accredited to the European headquarters of the United Nations in Geneva, are accorded full diplomatic status there. We are convinced that the Government of the United States will pay due attention to this question in light of the comprehensive support for this just request by members of the League of Arab States, the Organization of African Unity and the Organization of the Islamic Conference.

Efforts to resolve the Palestinian issue and to put an end to the Israeli occupation of the Arab territories occupied since 1967 is first among the priorities of the League of Arab States. We hope that present efforts to give new impetus to this peace process will lead to positive results which would contribute to the attainment of a just and comprehensive settlement to the Middle East problem.

At its last meeting the Council of the League of Arab States, at the level of Ministers for Foreign Affairs, held in September 1998, highlighted the importance of

supporting the peace process on the basis of the resolutions of international legitimacy, in particular Security Council resolutions 242 (1967) and 338 (1973), the land-for-peace principle and the right of the Palestinian people to self-determination and to the establishment of its independent State with Jerusalem as its capital. Moreover, the League's Council stressed the need to implement Security Council resolution 425 (1978), which calls for the immediate and unconditional withdrawal of Israeli forces from all occupied Lebanese territory. The League also called on Israel to resume negotiations on the Syrian and Lebanese tracks from the point where they were stopped, more than two years ago. The Council of the League of Arab States has also called for the implementation of Security Council resolution 465 (1980), which declares the settlements established on occupied Arab land illegal and calls for the dismantling of these settlements. The Council of the League has also stressed that all measures adopted by Israel to change the geographic and demographic status of Jerusalem are null and void, in accordance with Security Council resolutions adopted in this regard. If the United Nations is truly keen on respecting the bases of international legitimacy, the rule of law and the commitment by all States, without exception, to the observance of the provisions of the United Nations Charter and the decisions of the Organization, the League of Arab States feels that it is high time Israel respected United Nations resolutions, particularly those of the Security Council. These are resolutions which must be complied with by all States, without exception. Otherwise, the United Nations would allow itself to practise double standards and thereby lose its credibility and efficiency.

In conclusion, I wish to reaffirm that our support for the United Nations stems from the profound conviction of the member States of the League of Arab States that there is a need to apply the principles, ideals and lofty goals of the United Nations Charter. If is also based upon the League's keen desire, as a regional organization, to have constructive cooperation with the United Nations in all fields in order to promote common interests in the areas of peace and development. These issues are highlighted in the draft resolution before the Assembly today, and I hope that it will be adopted by consensus.

The President (*interpretation from Spanish*): We shall now take a decision on draft resolution A/53/L.11.

At the last session of the General Assembly the draft resolution on this item was adopted without a vote.

May I take it that the Assembly decides to adopt draft resolution A/53/L.11?

Draft resolution A/53/L.11 was adopted (resolution 53/8).

The President (*interpretation from Spanish*): I shall now call on the representative of Israel, who wishes to explain a position on the resolution just adopted.

Mr. Gilon (Israel): The delegation of Israel has joined the consensus on the resolution on this item for the fifth time in a row. In so doing, we are guided by the desire to make peace with our neighbours, all of which are members of the League of Arab States.

Today there is new hope for progress on the Israeli-Palestinian track, and we continue to strive for progress on the other tracks as well. The peace process, which began in Madrid in 1991, was, after all, based both on the bilateral tracks between Israel and its neighbours and on the multilateral track.

We take this opportunity to call upon the Arab States to resume participation on the multilateral track so that progress can be made in the crucial areas covered by this channel.

Peace and economy go hand in hand. One follows on the heels of the other. That is why Israel has continued to actively support the economy of the Palestinians in the territories through a variety of policies, packages and programmes. For example, through courses provided by the Centre for International Cooperation in the Ministry for Foreign Affairs, Israel trained some 700 Palestinians in 1997 alone in the fields of management, public health and agriculture.

Israel reiterates its support for increased efforts by Arab States towards similarly supporting the Palestinian economy, such as those undertaken by the European Union, Norway, Japan and the United States. In this context, Israel supports cooperation between the United Nations and various regional organizations, including the League of Arab States. Indeed, such cooperation is based on provisions of the United Nations Charter.

It is therefore regrettable that Israel alone remains excluded from the regional group fitting its geographic location, owing to the political objections of some Member States. Israel calls upon the members of the League of Arab States to honour Israel's equal right to

participate in the Group of Asian States. The fact that Israel alone is still denied membership in any regional group directly contradicts the declared commitment of the United Nations to sovereign equality of all its Members, as enshrined in the United Nations Charter.

This is the first resolution on an issue relating to the Middle East to be adopted by the General Assembly at its fifty-third session. We are pleased that the resolution was adopted by consensus. We therefore take this opportunity to recommend that all parties to the peace process exercise restraint in both the language of resolutions to be submitted and all related statements. We cannot build confidence in the Middle East by engaging in polemical debates in New York. The peace process is, by its nature, bilateral between the parties; inflammatory rhetoric offered in international forums surely belongs to another era.

By resolving today to promote in word and in deed an atmosphere of cooperation and growth in the region, the nations involved in the peace process can transform today's hope into tomorrow's reality. Let us hope that they do not miss this historic opportunity.

The President (*interpretation from Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 27?

It was so decided.

Agenda item 21

Cooperation between the United Nations and the Organization of American States

Report of the Secretary-General (A/53/272 and Add.1)

Draft resolution (A/53/L.10/Rev.1)

The President (*interpretation from Spanish*): I give the floor to the representative of Honduras to introduce draft resolution A/53/L.10/Rev.l.

Mr. Noé-Pino (Honduras) (*interpretation from Spanish*): My delegation would like to thank Secretary-General Kofi Annan for submitting his report dated 17 October 1998 on item 21 of the agenda of the General Assembly, "Cooperation between the United Nations and the Organization of American States", in compliance with resolution 51/4 of 24 October 1996.

The Republic of Honduras is deeply honoured to introduce to the Assembly the draft resolution contained in document A/53/L.10/Rev.1, sponsored by the countries listed therein and by those that joined later: the Bahamas, Belize, Grenada, Guyana, Jamaica, Saint Lucia, Suriname and Uruguay.

Without any doubt, the new order of the international community requires ever closer cooperation between regional organizations and the United Nations. In this respect, we recall resolution 47/11 of 29 October 1992 relating to the promotion of cooperation between the United Nations and the Organization of American States (OAS). That resolution served as a basis for establishing, in the following years, such important international programmes as the Agenda for Peace, the Agenda for Development and others of equal importance. All of these fall within the purposes espoused by the United Nations and the OAS, whose goals are to ensure international cooperation in seeking solutions to international economic, social, cultural and humanitarian problems, and in the development of and fostering of respect for fundamental human rights and freedoms.

Recent efforts by these international organizations have been very satisfactory in joint operations, such as in the case of the Mission in Haiti and the support for Haiti's legislative, municipal and presidential elections in 1995, as well as in their participation in missions as electoral observers — for example, on 20 October 1996 in Nicaragua, where the United Nations system provided technical cooperation. Similarly, there have been joint efforts in the demining efforts in Central America and in the initiatives to turn the western hemisphere into a zone free of anti-personnel landmines.

Cooperation between the United Nations and the OAS in their efforts to combat drug-trafficking marks a significant international development.

It is quite right to acknowledge the efforts carried out by the two Secretaries-General and the frequent meetings of the representatives of the two organizations, which, happily, on 17 April 1995 signed an agreement for cooperation between the United Nations and the OAS.

This year, in celebrating the fiftieth anniversary of the signing of the OAS Charter in Bogotá on 30 April 1948, my delegation and other delegations representing peoples that cherish international peace and security within a framework of peaceful and harmonious

coexistence have expressed their best wishes for the well-being of that organization.

The conclusions of the eighth Ibero-American Summit, held this month in the Portuguese city of Oporto, noted that new pragmatic criteria are needed in order to find concrete solutions. The dignitaries attending the Summit pointed out that thinking based on merely rhetorical concepts is obsolete and that what is needed in the context of the current economic crisis is for the international financial institutions to provide the necessary resources.

The sponsors of this draft resolution understand that, on the threshold of the next millennium, cooperation with the United Nations is essential if we hope to attain higher levels of development. We should promote the launching of new programmes and the exchange of information, especially between the United Nations economic and social agencies and the Organization of American States, in the context of the Programme of Action for Sustainable Development. We must also continue to support the work undertaken by the Organization of American States in the field of regional cooperation.

The particular political circumstances of the Latin American and Caribbean region, the consolidation of its democracies, progress in its relations with the United Nations, and mutual respect for the good-faith fulfilment of commitments undertaken by both organizations in the formal international legal framework have led us, a group of friendly and fraternal countries, to submit this draft resolution to the General Assembly today. We hope that it will be adopted.

Mrs. Alvarez (Dominican Republic) (*interpretation from Spanish*): In its capacity as Chairman of the Group of Latin American and Caribbean States, the Dominican Republic endorses the draft resolution entitled "Cooperation between the United Nations and the Organization of American States", contained in document A/53/L.10/Rev.1.

Now that the cold war is over, the United Nations must give priority to the eradication of poverty sustainable human development and equal rights for men and women in order to bring human rights fully into force. Similarly, the United Nations, which is characterized by pluralism and democracy, is a perfect tool for promoting a new world order in which the rights to development and peace can be realized. Everything points to the fact that, in the coming century, the international system will be marked by increased globalization and that such problems as unemployment, corruption and the lack of education will, by their very nature, be solvable only at the world level.

In this context, it is essential to strengthen relations between the United Nations and regional and subregional organizations, in particular the Organization of American States (OAS), and regional and subregional economic integration instruments, to which the Latin American and Caribbean countries attach great importance.

In his report, contained in document A/53/272 and addendum 1, the Secretary-General stresses that the need for increased cooperation between the United Nations and regional organizations has never been greater, while recognizing that no single model of cooperation will cover all eventualities. Nevertheless, it is encouraging for our countries to note that various avenues of cooperation have been considered, reflecting the particular fields and capacities of various organizations.

In accordance with General Assembly resolution 51/4, among the joint activities of the United Nations and the OAS, the International Civilian Mission to Haiti continues to be the principal expression of close cooperation between the two organizations. More specifically, in the past two years, the United Nations has participated actively in our region, coordinating with the OAS various assistance programmes, such as the conference on "Governance, Democracy and Civil Society in the Caribbean Community"; the Colloquium on the International Protection of Refugees in Central America, Panama and Mexico, at which the Cartagena Declaration on Refugees was adopted; the International Conference on Central American Refugees; and the San José Declaration on Refugees and Displaced Persons.

Moreover, OAS civil servants are taking increasing part in forums organized by the Economic Commission for Latin America and the Caribbean and vice versa, as well as in an exchange of information, in particular in the area of social policy, statistics and regional integration.

Particular mention should be made of the research programmes undertaken in Argentina, Brazil, Chile, Colombia and Paraguay for the joint programme on social policies for Latin America to identify, systematize and propose strategies and policy tools for increasing the efficiency and impact of social programmes.

The strengthening of contacts and regional cooperative relations between the United Nations and the OAS, in the context of the work of the United Nations

International Drug Control Programme and the Inter-American Commission for the Control of Drug Abuse, has been undertaken within a policy of mutual support and exchange of information and technical assistance. The United Nations and the OAS have also cooperated within the framework of the technical cooperation programme undertaken by the United Nations High Commissioner for Human Rights. I should also mention the informal contacts between the World Food Programme, the OAS and the Caribbean Community.

The countries members of the Group of Latin American and Caribbean States understand that, on the basis of regional cooperation, the United Nations can respond effectively to the complex mandate of these new times.

It is therefore essential for Member States to renew our political commitment to the Organization's future. The Latin American and Caribbean region hopes that the mechanisms for cooperation between the United Nations and our regional body will continue to be strengthened, in ongoing respect for the mandate, functions and legal framework of the Organization of American States enshrined in Chapter VIII of the United Nations Charter. In this way, we will be displaying a pluralist and open spirit, expressed in collective regional cooperation, as manifested in the draft resolution we have submitted to the Assembly. We hope it can be adopted without a vote.

Mr. Insanally (Guyana): The 14 members of the Caribbean Community (CARICOM) Members of the United Nations fully support draft resolution A/53/L.10/Rev.1, which has just been presented by the Ambassador of Honduras to the General Assembly for adoption. We hope that, with its passage, cooperation between the United Nations and the Organization of American States (OAS) will be further enhanced.

CARICOM recalls with satisfaction that the first joint mission between the United Nations and a regional organization, the OAS, was a successful experiment. It demonstrated that the world Organization and regional arrangements could come together as envisaged in Chapter VIII of the United Nations Charter to promote peace and security in areas of potential conflict. The joint United Nations-OAS International Civilian Mission in Haiti has gone further to advance democracy, human rights and economic and social reconstruction for that country's people. CARICOM is proud of its own contribution to this collaborative effort and remains committed to Haiti's development within our family of nations.

We were equally pleased to support resolution 51/4, which amplifies the areas of cooperation between the two institutions concerned. We know that the Secretary-General of the United Nations and the Secretary-General of the OAS meet from time to time to discuss their mutual interest in, *inter alia*, conflict prevention, good governance, democracy, human rights and the strengthening of civil society in our region. Such meetings, we believe, can serve to strengthen the role and effectiveness of the two organizations in advancing peace and development throughout the hemisphere.

Although the Caribbean region has fortunately not suffered from the same devastating effects of conflicts that other regions have experienced, we are certainly not so complacent as to believe that we are immune from threats to our welfare. Accordingly, we fully support the use of such instruments as preventive diplomacy, peace-building measures and the rule of law to guarantee our progress. Also, since the roots of conflict lie mainly in poor economic and social conditions, we are concerned to see greater international and institutional cooperation to remove these impediments from our societies.

At a conference on governance, democracy and civil society in the Caribbean, jointly sponsored by the OAS, the United Nations Development Programme (UNDP), CARICOM and the Inter-American Development Bank (IDB) and held last year in Barbados, the United Nations was brought into closer recognition of the particular conditions and needs of our subregion. We would like to think that that encounter provided a new impetus to our collective efforts to position our small nations to better face the challenges which a new era in international relations has brought.

In this context, we welcome increasing cooperation between the United Nations and the OAS to involve such relevant institutions as the World Bank, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Food Programme, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), the Latin American Economic System (SELA) and the Economic Commission for Latin America and the Caribbean (ECLAC), to name a few.

Two priority areas in functional cooperation for the Caribbean are drug control and sustainable development. We therefore hope that the United Nations International Drug Control Programme (UNDCP) and the Inter-American Drug Abuse Control Commission (CICAD) will

continue to consult and coordinate their activities to reduce the deleterious impact of drug abuse and drug trafficking on our small and vulnerable societies. In the second area, sustainable development, we encourage fully a closer and cooperative relationship between the Department of Economic and Social Affairs and the OAS to fully implement the Programme of Action for the Sustainable Development of Small Island Developing States. The success of the Barbados Programme of Action is critical to reaching the developmental goals of the Caribbean.

It has been said, and rightly so, that often the most valuable asset for small developing States such as our own is our human resources. Not surprisingly, at the second Summit of the Americas, held in April this year, heads of State or Government decided to give priority to education. We in the Caribbean are fully persuaded of the need to train our young people to become productive citizens not only of our own countries but of the world. We would therefore like to see in the continuing programme of cooperation between the United Nations and the OAS more emphasis placed on the major area of human resource development.

With these remarks I wish, on behalf of the CARICOM group of States, to commend resolution A/53/L.10/Rev.1 for unanimous adoption by this Assembly.

The President (*interpretation from Spanish*): In accordance with resolution 253 (III) of 16 October 1948, I now call on the Observer for the Organization of American States.

Mr. Kaufman (Organization of American States) (*interpretation from Spanish*): On behalf of the Secretary-General of the Organization of American States, Mr. César Gaviria, and of the OAS Assistant Secretary-General, Ambassador Christopher R. Thomas, who is present and sends a special greeting to you, Sir, I should like to extend to members of the Assembly my warm greetings and gratitude for the appropriate and efficient way in which the coordination activities between the two organizations were carried out in the previous biennium.

Cooperation between the United Nations and the Organization of American States (OAS) has been taking place through many years of sustained interaction in various spheres of regional cooperation.

In the General Assemblies of both organizations, resolutions have been adopted in which it has been agreed that cooperation activities have been and are of great importance, always emphasizing the need to reaffirm existing commitments between both institutions. Cooperation between the two organizations was defined in the Collaboration Agreement signed by the Secretaries-General in April 1995, which formalized a fruitful relationship, confirming once again that the complementarity between the international organizations is not only possible but productive and therefore necessary.

The General Assembly of the OAS held recently in Caracas adopted a resolution on the question of cooperation between the OAS and the United Nations which once again recommended the continuation and strengthening of cooperation activities as well as increased inter-sectoral contacts among those responsible for technical areas in the United Nations and the OAS, in accordance with the terms of the Collaboration Agreement signed by both organizations.

Joint activities carried out in the past two years reflect the diversity of issues in which the OAS and the United Nations have been involved. The International Civilian Mission in Haiti (MICIVIH), which was jointly sponsored by the two organizations, has worked intensively to create appropriate conditions for the restoration of peace and democracy in that nation. The configuration of a mutual consultation system between the OAS and the United Nations on this problem has been improved and has borne fruit, which both organizations believe lays the foundations for future activity in the region.

With regard to conservation of the environment and sustainable development, the United Nations and OAS together made significant contributions during the Summit of the Americas on Sustainable Development held recently in Bolivia. At that Summit they decided on the challenges of development in Latin America in the coming years and identified the main urban problems that will be the subject of future joint activity. They also adopted mandates for the OAS and various United Nations bodies to implement measures to improve standards of living and environmental conditions throughout the region.

With regard to natural disasters, the OAS has worked with the United Nations to reduce vulnerability to natural disasters, and in this case we have also had the support and cooperation of multilateral bodies such as the World Bank and the World Health Organization. The OAS Inter-American Commission on Human Rights is

cooperating on an ongoing basis with the United Nations. The Working Group on Indigenous Populations and the Subcommission on the rights of minorities have been of particular interest to both institutions. The OAS Inter-American Commission of Women (CIM) was invited to come to the United Nations to participate in an inter-American consultation group on the participation of women in the decision-making process, a meeting that took place at the beginning of the year.

Many other activities have been the subject of joint work between the OAS and the United Nations, such as electoral monitoring and strengthening democratic institutions. In the area of education, science and culture, both organizations are cooperating in creating an international network of institutions to train specialized teachers.

Also of interest to both organizations are other activities such as those carried out by the Inter-American Commission for the Control of Drug Abuse and by the Inter-American Children's Institute, programmes on labour and employment, and cultural issues.

The Organization of American States is pleased with the results of many years of multilateral and regional cooperation — especially this year, when the OAS is to mark its fiftieth anniversary. On the eve of the new millennium, the OAS looks forward to that anniversary with the hope and expectation that we will be able to provide all the citizens of the hemisphere with continued fruitful activity in areas that are of high priority for our member countries. The agenda of the OAS for the coming years, always in coordination with the United Nations and other regional and international organizations, is founded on mandates reflecting the will of member countries and is focused on increasing unified action on the continent.

Through restructuring and administrative modernization, the Organization of American States is ready to engage in more meaningful and direct activities in the region — again, with the support of organizations such as the United Nations. Our association with that Organization over the years has proven to be of importance.

The President (*interpretation from Spanish*): We have heard the last speaker in the debate on this item.

The Assembly will now take a decision on draft resolution A/53/L.10/Rev.1. In that connection, I wish to announce that Canada and Peru have become sponsors of the draft resolution.

I call on the representative of the Secretariat.

Mr. Jin Yongian: Should the General Assembly adopt draft resolution A/53/L.10/Rev.1, there will be no programme budget implications.

The President (*interpretation from Spanish*): May I take it that the General Assembly wishes to adopt draft resolution A/53/L.10/Rev.1?

Draft resolution A/53/L.10/Rev.1 was adopted (resolution 53/9).

The President (*interpretation from Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 21?

It was so decided.

Agenda item 25

Cooperation between the United Nations and the Latin American Economic System

Report of the Secretary-General (A/53/420)

The President (*interpretation from Spanish*): In connection with this item, I wish to inform members that I have received a letter dated 19 October 1998 from the Permanent Representative of Peru, in which he indicates that the States members of the Latin American Economic System do not intend to submit a draft resolution under agenda item 25 during the fifty-third session. They request that the item be considered at the fifty-fourth session of the General Assembly, and it is their intention to submit at that session a draft resolution under that item.

May I take it, then, that it is the wish of the Assembly to defer consideration of agenda item 25, entitled "Cooperation between the United Nations and the Latin American Economic System", to the fifty-fourth session of the Assembly and to include it in the provisional agenda of that session?

It was so decided.

The President (*interpretation from Spanish*): This concludes our consideration of agenda item 25.

Agenda item 11 (*continued*)

Report of the Security Council (A/53/2)

Mr. Mahugu (Kenya): As Kenya approaches the end of its two-year tenure in the Security Council, which will conclude in December, my delegation welcomes the report of the Security Council (A/53/2) for the period 16 June 1997 to 15 June 1998. I would also like to thank the current President of the Security Council, my colleague Sir Jeremy Greenstock of the United Kingdom, for introducing the report and for addressing some issues which continue to require the Council's close attention.

The annual submission of the Security Council report, and discussion of it by all the Members of the United Nations, provide a useful opportunity for all nations not only to address the substantive issues which continue to be the focus of the Security Council's work, but also to critically analyse the Council's methods of work. That assessment enables the Council to examine itself and, heeding the advice of Member States, to make appropriate adjustments to its work methods and to the way in which it addresses security issues confronting it. In our two-year tenure, we have seen the concrete implementation of ideas and suggestions advanced in this annual analysis by Member States. However, more work needs to be done, and we are encouraged that Member States continue to air their opinions on the work of the Security Council, because the Council, as a dynamic institution, can only benefit when it is exposed to the oxygen of ideas.

My delegation finds that this year's report is well structured and that it incorporates additional improvements which make it easier to digest. The monthly assessments by successive presidencies of the Council during the reporting period add an insider's flavour and incorporate a dimension of transparency consistent with the Council's stated objectives. Although this innovation is an improvement, the airing and exposure of issues to the general membership continues to be constrained by the tradition of over-confidentiality that sometimes shrouds the informal consultations. Indeed, issues of immense importance are raised, addressed and disposed of in these "informal" settings, allowing only a final, ready-cooked product to be shown to the general membership. While there are occasions when such an approach is appropriate, allowing more meetings, including briefing meetings, to be open to all Members would on balance be a definite plus. Sadly, when meetings are open, they are sometimes not well attended, and participation is limited. However, we believe that discussion of how to strike a happy balance between those opposing tendencies can define an acceptable way forward.

Other innovations which have evolved in the methods of work of the Security Council are the official distribution of the Council's work programme for the month and the circulation by the presidency of a tentative provisional monthly work schedule. The former is now in place and needs no further discussion. The latter, however, merits some comment. The informal working group of the Security Council concerning the Council's documentation and other procedural questions agreed that a provisional monthly work schedule would be circulated by each presidency. Although this has been faithfully carried out by some, it may be proving to be slightly more difficult to institutionalize this practice. In order to firmly root this practice, the tentative provisional schedule as well should be circulated as an official document after it has been approved by the Council, even though it is recognized that it is still tentative and subject to change. In addition, after each presidency the final work schedule that the Council has waded through for that month could be incorporated as part of the documentation that will appear in the annual report, together with the monthly assessment. This proposal can be taken up by the working group.

The ability of the Council to pronounce itself immediately on burning issues of the day directly related to its mandate is a feature that continues to be relevant and has to be nourished. Although the formal instruments available to the Council are well known, and some are even enshrined in the Charter, their immediate use when crises erupt is often constrained by lengthy negotiations. Statements to the press by the President have therefore proved to be effective tools available to the Council to immediately share its perspective on an issue with the general membership, but especially with the public at large. This enables the public to know that the Council is seized of a matter, thereby signalling the trend of possible future action. Naturally, because of their utility and speed, statements to the press can, in the proper hands, be very effective instruments of the Security Council and can therefore be the object of intense and sometimes protracted negotiations in the Council. Moreover, with the media tending to give more coverage to the national security concerns that are of importance to more powerful States, statements to the press by the presidencies of these nations are exposed to more coverage. This is not completely the fault of the media, but the result is that security issues of great concern to some of these nations invariably get aired more frequently than others. A new

relationship between the media and the rotatingpresidencies of the Council therefore needs to be structured to alter this somewhat unfortunate reality.

I would like to say a word about troop-contributing country meetings. These are organized in conjunction with the Department of Peacekeeping Operations to exchange information with troop-contributing countries on operations in which their troops are on mission. Although individual national problems are resolved at the Secretariat level and the meetings tend to be formal, we have found such meetings quite useful and relevant, and we encourage their continuation. As much as possible, we urge that the meetings be held prior to the Security Council consultations regarding the conflict area for which the respective peacekeeping operations have been established.

Nearly 22 months have gone by since Kenya was elected to the Security Council. We had hoped that by the time we left the Council the number of agenda items on Africa would have been reduced, thus signalling the beginning of a genuine African renaissance. Unfortunately, the conflicts in Africa have not only increased, but have also mutated into even more complex crises. In our view, there are four categories of African conflict situations before the Council: first, crises that have been resolved, so that post-conflict, peace-building issues prevail; secondly, crises that are hopefully close to being resolved; thirdly, crises that refuse to go away; and fourthly, new and mutated peace and security problems.

In the first category, Liberia's crisis has been resolved, and post-conflict, peace-building issues dominate. We encourage the Secretary-General and his Special Representative to continue their efforts there under the aegis of the United Nations Observer Mission in Liberia.

In the second category, we had hoped that Sierra Leone would soon join the first category of nations. Unfortunately, the rebels have increased their onslaught and atrocities against the people of Sierra Leone. We encourage the international community to make available even more logistical support to the Economic Community of West African States Monitoring Group to enable it to finish up the job. However, in this second category, thankfully, the situation in the Central African Republic is stabilizing with the help of the United Nations Mission in the Central African Republic; and with elections imminent and national reconciliation on track, there is some hope.

In the third category — crises that refuse to go away — there is Angola, among other countries. UNITA's assault on the Lusaka Protocol and its refusal to extend State administration has brought the peace process to its knees.

The fourth and last category — the new and mutated conflicts — is unfortunately growing in size. This category includes the Democratic Republic of the Congo, the Ethiopia-Eritrea border dispute and Guinea-Bissau.

Regional efforts aimed at resolving these conflicts are active and serious and need to be given maximum support by the Security Council and the international community. In this regard, I would like to inform the Assembly that on Sunday, 18 October 1998, an East African Cooperation Consultative Summit took place on the conflict in the Democratic Republic of the Congo in my capital city of Nairobi and was chaired by President Daniel arap Moi. The Summit, whose communiqué has been circulated as an official document of the Security Council under the symbol S/1998/970 of 19 October 1998, makes the following proposals. First, it calls for an immediate cessation of hostilities. Secondly, it calls for negotiations for a ceasefire agreement and a troop standstill. Thirdly, it urges that adequate measures be taken to address the security concerns of neighbouring countries. Fourthly, it urges that the security of marginalized groups be addressed. Fifthly, it calls for an orderly withdrawal of foreign troops. Sixthly, it calls for the initiation of an all-inclusive political dialogue. Finally, it calls for the emplacement of a neutral, international peacekeeping force under the auspices of the Organization of African Unity (OAU) and the United Nations.

The Summit also supported ongoing regional mediation efforts being carried out by the member States of the Southern African Development Community (SADC) in consultation with the OAU and the United Nations. In this regard, we are encouraged to learn that another mediation conference under the aegis of SADC will take place in Lusaka, Zambia, on 26 October 1998. It is only through the vibrant coordination of efforts between the region and the United Nations that a just and lasting peace can be achieved in the Democratic Republic of the Congo.

Although most of the agenda items that the Security Council has on its plate are African, the focus and the allocation of resources to cope with these crises continues to be non-African. Even if there may be a tidy justification for this, my delegation would like to see the striking of a balance that allows for a realistic reallocation of focus and resource distribution that conforms to the

Security Council's Charter-based primary responsibility for the maintenance of international peace and security.

As Kenya prepares to leave the Security Council at the end of this year, the weight of these imbalances continues to press on our collective conscience. Naturally, we hope that they will be noticed, addressed and, indeed, resolved. May I, in this context, take this opportunity to again congratulate the brotherly country of Namibia and the other four newly elected members of the Council — Argentina, Canada, Malaysia and the Netherlands. I wish them success and extend Kenya's complete support and cooperation as they work to make the Council more effective and, indeed, democratic.

I must also take this opportunity to thank the Secretary-General, Mr. Kofi Annan, and his hard-working staff for continuing to be at the forefront of all peace and security issues. I also wish to thank him for his support on African issues and to encourage him to continue doing his excellent work, in the hope that the attention he gives to these problems will bring forth a rich harvest of peace, security and prosperity.

Miss Durrant (Jamaica): I wish to thank the President of the Security Council for his clear and concise introduction of the Council's report (A/53/2) covering the period 16 June 1997 to 15 June 1998.

My delegation welcomes the consideration of the Council's report, as this constitutes an exceptional occasion for necessary dialogue and interaction between the Security Council and the General Assembly, as both organs of the United Nations seek solutions to the problems facing the international community.

My delegation has carefully examined the contents of this year's report and is pleased to note that there are several improvements over last year's. The improvements introduced can be acknowledged as a positive development from the point of view of the enhancement of transparency and accountability of the Council's work.

We welcome the incorporation in the report of the monthly assessments as an important step in the direction of a more analytical report. The combination of views of the various Presidents during the period has certainly assisted in broadening the perspective on the work of the Council. We also note that briefings continue to be provided to non-members of the Council, following informal meetings, and we would urge that these briefings be institutionalized and expanded to serve as a greater source of information on the activities of the Security Council.

My delegation notes with concern that the period covered by the current report has been one of mixed results in terms of the capacity of the Security Council to deal effectively with the different sources of instability around the world.

While there have been some notable successes, there continue to be conflicts which undermine the political, economic and social fabric of the States concerned, bringing destruction and untold suffering to the victims of war. The increases in attacks and the use of force against refugees and other civilians, particularly women and children in conflict situations, also pose a direct challenge to the resolve of the international community.

It is against this background that my delegation welcomes the public debates held by the Security Council during the last year on the protection of humanitarian assistance to refugees and others in conflict situations as well as on the impact of armed conflict on children.

My delegation remains perturbed that Security Council resolutions have not been adhered to by several parties, thus thwarting the ability of the Council to effectively maintain control of ongoing conflicts. In this regard, I wish to underscore the importance which my delegation attaches to the Security Council as the principal authority for multilateral decision-making in matters affecting international peace and security. We therefore reiterate our concern at the tendency of States to take unilateral action which they deem to be in their national interest in situations of conflict with other nations. Jamaica reaffirms its confidence in the principle of collective security, on which the role of the Security Council is predicated.

In addition to the substance of the report, my delegation attaches great importance to reform of the Security Council. In this regard, we commend the efforts of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council in the conduct of its extensive discussions. These discussions have generated many concrete ideas and proposals pertaining to the decision-making process of the Council as well as to its structure, which could contribute to making the Council more efficient and effective.

We are disappointed that further progress has not been achieved and that the realization of the reform of the Council remains a distant hope.

The Security Council is vital to the functioning of the United Nations. It is therefore essential for its effectiveness that it command the confidence of the international community. Jamaica supports an expansion of membership which would make the Security Council more representative of the Member States it serves. We also advocate the adoption of further procedures which would make the Council more democratic and transparent in its decision-making. In this connection, we were pleased to note the position paper on the working methods of the Security Council attached to the monthly assessment by the presidency of Costa Rica for December 1997. We hope that these proposals will be institutionalized.

Mr. Cho (Republic of Korea): My delegation welcomes today's opportunity to deliberate on the annual report of the Security Council to the General Assembly. We consider this practice to be an important step forward in ensuring closer collaboration and coordination between the two principal United Nations organs sharing the responsibility for the maintenance of international peace and security.

We appreciate the steady efforts made by the members of the Security Council and the Secretariat to make the report more user-friendly and substantive. We also join others in thanking the President of the Council, the Permanent Representative of the United Kingdom, for his useful introductory remarks.

It is indeed difficult to pursue transparency and efficiency at the same time. But these two concepts complement each other. In this age of information, it goes without saying that the efficiency of any organization depends to a large extent upon how adequately information is internally shared. However, the degree of information-sharing relies heavily upon the extent of transparency within the organization. Therefore, we are of the view that efficiency and transparency can and should be pursued in tandem within the United Nations.

Having said that, in my comments today I will focus mainly on the issue of ensuring greater transparency in the work of the Security Council, which is essential to enhancing closer interaction and collaboration between the Security Council and the General Assembly, which is envisaged also in the Charter of the United Nations.

My first point relates to the need to ensure greater substantiveness and analytical depth to the annual report. In this regard, we note with satisfaction that improvements were made this year, as for the first time monthly assessments by the presidency were attached as an addendum to the report. This is a welcome step forward. These monthly assessments serve as a useful complement to the report and enable the outgoing President to provide an individual view on the work of the Security Council for every month in a more substantive way. For this reason, the Republic of Korea, upon completion of its presidency of the Council in May last year, took the voluntary initiative to introduce the new practice of preparing and distributing monthly assessments.

We commend the efforts of all those delegations that provided comprehensive monthly assessments in the attachment to the report. Moreover, we welcome the initiatives to distribute the assessments to the general membership as an official document immediately following their issuance. These are concrete steps contributing to the improvement of the historical transparency of the Council's work. It is our sincere hope that they will continue to be further built upon.

Another related issue is transparency in the work of the subsidiary organs of the Security Council, including the sanctions committees. Recently, a number of transparency measures, such as the Chairman's briefings to non-members, have been introduced. We also note that this year's report contains information regarding the work of the subsidiary organs. This is a positive improvement on last year's report, which contained only the dates of the meetings of the subsidiary organs. But we believe that more can be done. We are of the view that decisions and/or the relevant parts of the summaries of the proceedings of subsidiary organs should promptly be made available to non-members of the Council, as long as they do not compromise the confidentiality of the work of the organs. We further believe that such information regarding the substantive work of the subsidiary organs, in particular the sanctions committees, should be included in the annex of the annual report of the Council.

Now allow me to turn to a subject related to the real-time transparency of the Council. In the report we noted some positive developments in the expanded use of orientation debates or open, public meetings on certain regional or thematic issues. But many delegations, including my own, believe that more needs to be done in this regard. These open meetings provide the members of

the Security Council with useful opportunities to hear the views of non-members and concerned international organizations at the beginning of the consideration of the issue by the Council. The open format of these meetings is itself the best guarantor of the real-time transparency of the Council, as it allows all interested non-members to have first-hand observation of what is transpiring in Council deliberations.

With this in mind, in May of last year my delegation organized the first open debate on protection for humanitarian assistance to refugees and others in conflict situations. We also welcome the recent follow-up open debate on the issue, organized by Sweden last month, as part of a laudable pattern of displaying the continuing interest of the Council in this issue of global concern.

We share the widely held view that the Council should do more to increase the frequency of open meetings. One easy reform would be to consider the provisional work programme for each month at the beginning of a new presidency in a formal meeting. More serious consideration should also be given to how to involve non-members in the Council's deliberations on those issues in which they have a direct interest. This requires that even more urgent attention be given to reconsidering the recent prevalence of the practice of holding informal consultations of the whole, which are conducted only among Council members.

There is also a need to set up a more effective mechanism to alert non-members of the Council to the possibility of weekend or other emergency Council meetings well in advance. Steady efforts have been made in this regard. Unfortunately, however, there still remains the problem of late notice for the Council's emergency meetings, which has prevented a number of interested non-members from taking part in such meetings. We believe that when unscheduled or emergency meetings of the Council are anticipated, the presidency of the Security Council should make its best efforts to give instructions to the Secretariat so that it can send emergency notices to non-members of the Council as soon as possible.

Last but not least, we cannot overemphasize the need to continue our collective efforts to devise new transparency measures that are both feasible and easily implementable. It is essential for the Council to keep abreast of the general membership's views proposed in the Open-ended Working Group on Security Council reform. In this regard, the informal working group on Council documentation and procedure should play a more proactive role in filtering the propositions made in the Open-ended Working Group and refining them in a practical way. We are of the view that these two working groups can reinforce each other in pursuing the common task of ensuring the greater transparency of the Council.

My delegation remains deeply committed to the cause of greater transparency of the Council. At the end of our tenure in the Council last December we and other non-permanent members took the joint initiative of sending to the President of the Council a letter containing a number of practical suggestions for transparency measures. Then we followed up on that initiative in the Open-ended Working Group by submitting the two written proposals that are contained in the Working Group's report to the General Assembly.

Before concluding, I wish to emphasize the need for a more effective partnership between the General Assembly and the Security Council in the discharge of their common task of coping with the broad range of new conflicts and instabilities in the post-cold-war period. This goal can be attained only through a continuous reform of the working methods of the Council. Indeed, transparency in the work of the Council is the easiest short cut to enhanced partnership between these two vital United Nations organs. The Republic of Korea will continue to make its positive contribution on the basis of the recent experience gained from its two-year involvement in the work of the Council.

Mr. Varso (Slovakia): At the outset, allow me to thank the President of the Security Council for the month of October, Ambassador Jeremy Greenstock, the representative of the United Kingdom, for his comprehensive presentation of the Council's annual report to the General Assembly. Our compliments also go to the Secretariat for the excellent preparation of the report and its submission in a timely manner.

The relationship between the Security Council and the General Assembly, as the two principal organs of the United Nations, is a crucial factor in the Organization's overall performance. Actions of the two organs must be concerted and mutually reinforcing in order to achieve greater coherence of effort to secure the primary goal of the Organization, namely, the efficient maintenance of international peace and security.

For that purpose, the flow of information on the work of the Security Council to the general membership should be as informative and transparent as possible. At present, there are just two channels through which the

general membership can obtain such information: one is the daily briefing by the presidency of the Security Council, and the other one is the annual report submitted to the General Assembly under Article 24 of the Charter. Since the daily briefing by the presidency based on the Council's informal consultations is merely an informal interaction between the presidency and non-members, the only official source of information on the Council's work remains its annual report.

In recent years, a number of points have been raised by Member States in order to transform the annual report of the Security Council into a more substantive and analytical assessment of the Council's work. After a thorough study of the Council's last report, covering the period from 16 June 1997 to 15 June 1998, my delegation is pleased to note several improvements in regard to the content and format of the report. Unlike previous reports, each chapter of part I is introduced by background information on the decisions taken by the Council in relation to particular subjects for the one-year period preceding the period covered. The new part V is devoted to the work of the subsidiary organs of the Council, and provides, for the first time, information on the work of the sanctions committees. Assessments of the work of the Council, prepared by each outgoing presidency under its own responsibility for the month during which it presided, are attached as an addendum to the report. This progress is highly welcome; nevertheless, we believe there is still room, as well as a need, for further improvements.

Slovakia joins the voices calling for enhancing the analytical nature of the Council's annual report. We perceive the attachment of monthly assessments of the Council's work to the report to be a first step. These assessments should be transformed into monthly reports focusing on an analytical evaluation of the Council's work within informal consultations and the process leading to decisions of the Council during the period under review. The monthly report should also reflect the divergence of views among Council members on the matter in question and should avoid factual data already covered by other parts of the annual report. In order to avoid possible lengthy discussions necessary for the monthly report's approval by the Council members, it should be prepared as the sole responsibility of the outgoing presidency.

Transparency in the decision-making process and working methods of the Security Council is a major issue of the ongoing debate on Council reform. Lack of transparency undermines the Council's credibility and contributes to widening the gap between the Council and the rest of the membership. The long-standing prevalence of the practice of informal meetings, the so-called consultations of the whole, has been a matter of concern not only of the Member States which have never served as Members of the Security Council, but also of those that have very recent experience of being non-permanent members.

Distinctive features of the informal consultations are discussion behind closed doors and the absence of any written records. The only way for non-members to get any information is either to attend an informal briefing by the presidency conducted later that day or to spend the necessary amounts of time in the next room, waiting for a Council member willing to share some information at the end of the consultations. Apparently, the current practice does not meet the requirements for the interaction between the Council and the general membership to be open and transparent. Although the Security Council is master of its work, informal consultations should not serve as a systematic substitute for formal meetings, but rather a complementary one.

We believe that records not only of the formal meetings of the Council, but also of its informal consultations, should be included in its annual report. This would enhance significantly the transparency of the Council's work, ensure the accountability of each of its members to the rest of the membership and improve its relationship with the General Assembly. Similarly, there is a need to bring the work of the sanctions committees closer to the general membership. The sanctions committees rely in most cases solely on the cooperation of States and organizations in a position to provide them with pertinent information on violations of the sanctions concerned. Thus, efficient implementation of the measures taken by the Security Council under Chapter VII of the Charter, and the subsequent establishment of a comprehensive regime to monitor the implementation of the prohibitions, is a two-way process. Enhanced transparency and closer cooperation between the Security Council and Member States are needed if the actions of the Security Council, taken on behalf of Member States, are to be more resolute and efficient.

The dynamics of the post-cold-war era have brought new challenges to the United Nations and its principal organs, including the Security Council. Many conflicts of this period have taken the form of intra-State violence, civil strife and ethnic clashes that have significant external repercussions and disastrous humanitarian implications. However, the more recent decline in

peacekeeping activity without a parallel decline in the level of conflict requiring international attention may prove to be counter-productive. The Security Council cannot afford this kind of lethargy, which could lead to possible damage to its credibility. A timely decision and response of the Security Council to a conflict or threat of conflict, including preventive measures, are crucial in order to avoid the multiplication of tragic consequences.

Peacekeeping operations have taken on a more complex nature, often fulfilling multifunctional tasks. Troop-contributing countries which carry the burden of a peacekeeping operation on the ground should be allowed to participate appropriately in the decision-making process before any decision on the mandate of the operation has been taken by the Security Council.

We appreciate the framework within which the current practice of holding meetings of troop-contributing countries has been established. However, those meetings should not become routine, but rather ensure the more active participation of troop-contributors and a constructive exchange of views. In this connection, my delegation is proposing that the relevant section of the Council's annual report, currently a mere list of dates, be filled in with a description of the most important points raised at particular meetings of troop-contributing countries.

In conclusion, I would like to stress once again the importance of the interactive and transparent relationship between the Security Council and the General Assembly. Slovakia is ready to contribute to further improvements in the work of the Security Council. It is also in this context that my country aspires to be elected a member of the Security Council for the period 2000-2001.

Mr. Sychou (Belarus) (*interpretation from Russian*): At the outset, I wish to thank the Ambassador of the United Kingdom for the report he has submitted and the Secretariat for preparing a comprehensive report on the work of the Security Council.

The work of the Security Council, which enjoys comprehensive power in the maintenance of international peace and security, is at the focus of the international community's attention. The Security Council's authority, as confirmed in the practice of recent years, is broad enough to prevent and seek solutions to crisis situations through the methods of preventive diplomacy, with minimum recourse to the use of force, which generally cannot be used without the Council's authorization.

In recent times, the international community has attached serious importance to the process of the structural and institutional reform of the Security Council, a main organ of the United Nations system devoted to long-standing traditions that must adapt to contemporary realities. We feel that its willingness to seek compromise in the broader interests of the Member States should guarantee the success of the Council's reform process, which calls for a corresponding display of political will.

We believe that changes in the context of the Security Council should seek to ensure the equitable geographical representation on the Council of all regional groups, without exception; increased transparency and openness of the Council; and a rationalization of its working methods in the areas of information and consultation.

The main components of reform include the improvement of the Security Council's accountability mechanism, one element of which is the Council's submission to the General Assembly of annual reports on its work.

The substance of the Security Council's report, in our view, lies not in the simple provision and subsequent recording of statistical information, but in the desire to establish an extensive dialogue on the problems between the two most authoritative organs that would include an analysis of the various points of view and their synthesis in specific, rational proposals for resolving issues on the Council's and the Assembly's agendas. It is precisely along these lines, in our view, that the Security Council should improve and develop its practice of submitting reports.

The Republic of Belarus notes with satisfaction some definite progress in the preparation and submission of the Security Council's report this year. As before, we would stress primarily the need to make the substantive sector of the report more analytical, based on an examination of both the process of preparing the Council's decisions and of the specific results of its work. In this context, the new practice of supplementing the Council's reports with monthly analytical assessments of its work, prepared by representatives of former Presidents of the Council, is a positive one.

At the same time, as can be seen in the draft report, this material should not be limited to general reiterations of the text of the report itself for any given period, but should seek to analyze and assess the internal specifics of

the Council's work from the perspective of its President. It should also contain commentaries and proposals with respect to the Council's adoption of decisions. Constructive approaches along these lines were demonstrated by the delegations of Costa Rica, Chile and Portugal. We rightfully expect the further confirmation of this practice in the Council's work.

An additional impetus for enhancing the report's analytical nature could be the preparation of analytical reviews of the most important decisions taken by the Council for the period under consideration, including an account and description of the motives for the decisions and the difficulties involved in their adoption.

The goal of achieving greater transparency in the Security Council's work can be met by including in the report brief summaries of the results of the Council's informal consultations of the whole. I wish to express the hope, in this regard, that such information will be made available in written form as the consultations are held, not merely at the end of the reporting period in the text of the Council's report.

One of the most feasible and effective ways to improve the report further could be a deeper preliminary consideration of the draft report at open meetings. Moreover, it seems important — as we have stressed more than once — to introduce into practice procedures for the submission of Security Council reports by the President in office at the time of their consideration or by one of the permanent members, on a rotational basis, as well as a statement in response by the President of the Council or by one of the five permanent members following the completion of the discussion of any given item on the agenda as a preliminary reaction to the proposals and recommendations made by member States.

We also feel that it would be useful to include in the Council's work the practice of holding guideline discussions, at the level of Foreign Minister, on the most important issues on the international agenda, similar to the meeting held by the Security Council on 24 September this year on progress in the maintenance of peace and security in Africa.

Bearing in mind the convergence of approaches on the part of most States in considering the working methods and transparency of the Council, with respect to which an entire series of innovations has been tried and proven, the Republic of Belarus supports the continuation, during the course of the fifty-third session of the General Assembly, of the work of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. We hope that the Working Group's activities will open up broader possibilities for new proposals to improve current practices in the Security Council's work.

Mr. Pérez-Otermin (Uruguay) (*interpretation from Spanish*): Allow me at the outset, Sir, to thank Ambassador Sir Jeremy Greenstock for presenting the annual report of the Security Council in his capacity as President of that body. It is worth noting that in doing so he was acting within the letter and spirit of the Charter of the Organization and in accordance with Articles 15 and 24.

While it is true that the Security Council is, indeed, the most important body in the Organization because of the priority role entrusted to it, it is no less true that its activities are carried out on behalf of and as representing its Member States, as is clearly expressed in Article 24 of the Charter. My country therefore considers the subject of this General Assembly meeting to be very important, both formally and substantively, as the Council is thereby fulfilling its duty by informing the sovereign body of the Organization about the activities that it has carried out in accordance with its mandate.

We are pleased that the form and content of the report reflects considerable progress towards the objectives that the General Assembly has set out in its resolutions, the most recent being 51/193 of 17 December 1996. However, that will not prevent us from taking this opportunity to refer to certain objectives that my delegation believes should be pursued as soon as possible so that the Security Council does not lose the credibility that, in the opinion of the States represented here and of the public in general, it must have if it is to function properly.

The purposes and principles of the Charter have been and continue to be the standard according to which any activity carried out must be cleared and reaffirmed, as must any basis for reform, in both form and substance.

I do not believe I am mistaken in asserting that it is generally acknowledged that the main area of competence of the Security Council — the maintenance of international peace and security — has changed over time and that the conflicts with which the Council must deal differ in both form and character from those formerly

within its competence. Furthermore, progress in communications technology means that other ways and means must be envisaged for its activities on the basis of their new character.

In this context, we reaffirm once more that there can be no peace without development and that there can be no development without education. We therefore believe that the activities of the United Nations should be focused on achieving those values so as to accomplish its goals successfully and on a permanent basis.

As is well known, my country, Uruguay, has had a significant presence in peacekeeping operations since their inception, taking part in 16 missions with a total of about 10,000 men, with some loss of human life. However, that does not keep us from recognizing that conflict prevention has become as important as dealing with conflict itself and that, in turn, if post-conflict activities are not dealt with in a responsible manner, the result might be the rekindling of conflicts that had been extinguished. My country therefore considers the work of the Organization in that area to be vital.

In that context, we agree with what has been reaffirmed here by many colleagues with regard to seeking greater coordination between the Security Council and the Economic and Social Council, giving greater viability to the Articles of the Charter that provide for such coordination so that the Economic and Social Council can play its essential role in the work of building or rebuilding peace wherever cooperation is required in various spheres such as agriculture, education, health and civil and civic life in all of its dimensions.

I should not like to proceed with these brief comments without acknowledging that while there has been some noteworthy progress in the activity of the Security Council, much remains to be done to ensure that it becomes more transparent and democratic and that a greater part is played by States that are not members of the Council, as well as generally by those directly affected by measures taken by that body. In such cases the channels of communication between those countries and the Council leave much room for improvement.

In conclusion, my delegation hopes that open meetings will take place more frequently at which the opinions of non-members can be heard; that Article 31 of the Charter and rule 37 of the provisional rules of procedure of the Security Council will be fully applied so as to increase the necessary participation of non-members in Council meetings; that more periodic meetings will be held with countries that are affected by the decisions of the Council; and that non-members will be invited to participate in the informal consultations of the Council when it discusses issues that affect them directly, in accordance with Articles 31 and 32 of the Charter.

Mr. Hachani (Tunisia) (*interpretation from French*): My delegation would first like to thank the Security Council for having submitted on a timely basis to the General Assembly the report under consideration relating to its activities over the past year, from 16 June 1997 to 15 June 1998, which has been submitted in conformity with Articles 15 and 24 of the Charter. I should also like to thank the President of the Security Council, Ambassador Greenstock of the United Kingdom, for having introduced the report.

The Assembly's annual discussion of the report of the Security Council provides an opportunity for 170 States Members of the Organization that are not members of the Council to be informed of the activities of this important body, whose main function is the maintenance of international peace and security. It also provides a valuable opportunity for the members of the Assembly to make observations and suggestions about how to improve the flow of information between the two principle bodies of our Organization, the General Assembly and the Security Council.

We note with interest the improvements made by the Security Council in its report to the Assembly for the past year, particularly the inclusion of information relating to the work of subsidiary bodies of the Council, including the sanctions committees, and the introduction of information relating to the documentation, working methods and procedure of the Council as well as to meetings with troop-contributing countries.

We wish also to express our appreciation for the a practice reflected in this year's report: the inclusion of brief assessments of the work of the Council by successive Presidents. Even if these are not intended to reflect the views of the Council, they have the merit of adding to the available information on the substance of the work of the Council, especially with regard to informal meetings. This and other elements certainly have their advantages, and we welcome them.

Yet my delegation considers that, despite these innovations, the report of the Council in its new form remains a document whose basic concept is basically

unchanged; it continues to be a compilation of Council decisions — resolutions and presidential statements — and of communications and documents received and generated by that organ, along with a factual description of the work of the Council. What is needed is an analysis of the items submitted to the Council and of the Council's consideration of them.

That is why it is important for the Security Council to submit to the General Assembly special reports on specific questions, as needed — for which provision is made in the Charter. That would certainly help improve the information available to all States Members of the Organization on the substance of the Council's activities, particularly at a time when those activities have proliferated and grown more diverse. Above all, it would facilitate objective assessment of the work of the Council.

We welcome the readiness expressed by the Security Council to continue its consideration of other ways to improve its documentation and procedures, including the submission of special reports as provided for in Article 24 (3) of the Charter. We appeal to the Council to formulate new measures to increase the transparency of its work. Here, we favour more formal meetings open to all Member States, enabling them to address the Council on a variety of important questions. We suggest also improved modalities for the reports made by the President of the Council to non-members following informal consultations; these should be more detailed.

In conclusion, I express my hope that the Council will continue to give due attention to improving the form and content of its report to the Assembly, and to increasing transparency in its work. We hope too that the discussions in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council will lead to a specific plan for reforming the Council's working methods in a manner that will meet the shared expectations of all countries.

The President (*interpretation from Spanish*): I call on the representative of Burkina Faso, who wishes to make a statement in exercise of the right of reply.

Mr. Kafando (Burkina Faso) (*interpretation from French*): I wish to speak in exercise of the right of reply on behalf of the States members of the Organization of African Unity (OAU). In his statement on agenda item 11, "Report of the Security Council", delivered at the 41st meeting, the representative of Canada commented on the decision by the heads of State of the OAU to lift sanctions against the Libyan Arab Jamahiriya. In his view, this constituted "a troubling precedent which ... is contrary to the ... Charter".

I believe that I speak for the OAU in saying that we feel rather indignant about this, and that we do not understand Canada's position. When the representative of Canada spoke of respect for the Charter he was knocking at an open door. We remind him that the OAU has a charter of its own, founded on the same principles of international law and the same moral values. Above all, Africa has wisdom of its own, which gives priority to dialogue over coercion in the settlement of all disputes and misunderstandings. It is inconceivable to us that in any major forum, much less the United Nations, anyone should venture so blithely to censure a unanimous decision by 53 heads of State, forgetting that their countries constitute nearly a third of the membership of the United Nations.

Our leaders took the decision to lift the embargo against Libya after lengthy consideration, after an in-depth analysis of the situation and after weighing all the pros and cons. African States, to be sure, are Members of the United Nations, but Africa has its own problems, to which we are seeking African solutions. Our position cannot be interpreted as a challenge to the Security Council. Our consolation is that this assessment did not come from the two members of the Security Council that are directly involved in the crisis; their restraint since the Ouagadougou decision leads us to believe at the least that they understand the decision so cautiously taken by our heads of State.

Africa will certainly take note of Canada's attempt to repay it in this way for its votes, which counted for a great deal in Canada's election to a Security Council seat. African representatives here in any event are well aware of this state of affairs, and through the current Chairman of the Organization of African Unity, we will of course bring it to the attention of our heads of State.

The President (*interpretation from Spanish*): May I take it that the Assembly decides to take note of the report of the Security Council contained in document A/53/2?

It was so decided.

The President (*interpretation from Spanish*): We have thus concluded this stage of our consideration of agenda item 11.

The meeting rose at 12.30 p.m.

United Nations A/53/PV.43

General Assembly

Official Records

Fifty-third Session

43rd plenary meeting
Monday, 26 October 1998, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 10.15 a.m.

Agenda item 16 (*continued*)

Elections to fill vacancies in subsidiary organs and other elections

(a) Election of seven members of the Committee for Programme and Coordination

Note by the Secretary-General (A/53/440)

The President (*interpretation from Spanish*): In accordance with General Assembly decision 42/450 of 17 December 1987, the Assembly elects the members of the Committee for Programme and Coordination upon their nomination by the Economic and Social Council.

The Assembly has before it document A/53/440, which contains the nominations by the Economic and Social Council to fill the vacancies in the Committee that will occur as a result of the expiration on 31 December 1998 of the terms of office of China, the Democratic Republic of the Congo, Egypt, Japan, the Republic of Korea, Togo and Uruguay.

Those States are eligible for immediate re-election.

I should like to remind members that, after 1 January 1999, the following States will still be members of the Committee: Argentina, Austria, the Bahamas, Brazil, Cameroon, the Congo, France, Germany, Indonesia, the Islamic Republic of Iran, Italy, Mexico, Nicaragua, Nigeria, Pakistan, Poland, Romania, the Russian Federation, Thailand, Trinidad and Tobago, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Zambia and Zimbabwe.

Accordingly, those 26 States are not eligible in this election.

I should now like to inform members that the following States have been nominated by the Economic and Social Council. There are two African States for three vacancies: Benin and Egypt. There is one Latin American and Caribbean State for one vacancy: Uruguay. There are three Asian States for three vacancies: China, Japan and the Republic of Korea.

In accordance with rule 92 of the rules of procedure, all elections should be held by secret ballot. However, in accordance with paragraph 16 of decision 34/401, the Assembly may, in elections to subsidiary organs, dispense with secret balloting when the number of candidates corresponds to the number of seats to be filled.

The number of States nominated from among the African States, the Asian States and the Latin American and Caribbean States is equal to or does not exceed the number of seats to be filled in each of those regions.

May I therefore take it that the Assembly wishes to declare those States nominated by the Economic and

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Social Council from among the African States, the Asian States and the Latin American and Caribbean States — namely, Benin, China, Egypt, Japan, the Republic of Korea and Uruguay — elected members of the Committee for Programme and Coordination for a three-year term beginning on 1 January 1999?

It was so decided.

The President *(interpretation from Spanish)*: I congratulate the States that have been elected members of the Committee for Programme and Coordination.

Regarding the one vacancy remaining from among the African States and the one vacancy remaining from among the Western Europe and other States held over from a previous session, the General Assembly will be in a position to act on them upon the nomination by the Economic and Social Council of one Member State from each of those two regions.

I therefore propose that the Assembly keep this sub-item on the agenda of the fifty-third session.

If I hear no objection, I shall take it that the Assembly agrees to that procedure.

It was so decided.

The President (*interpretation from Spanish*): We have thus concluded this stage of our consideration of sub-item (a) of agenda item 16.

Agenda item 17

Appointments to fill vacancies in subsidiary organs and other appointments

(h) Appointment of a member of the Joint Inspection Unit

Note by the Secretary-General (A/53/109)

The President *(interpretation from Spanish)*: As indicated in document A/53/109, the General Assembly is required during the fifty-third session to appoint a member to fill the vacancy on the Joint Inspection Unit that will arise from the expiration of the term of office on 31 December 1999 of Mr. Sumihiro Kuyama of Japan.

As also indicated in document A/53/109, in accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, the President of the General Assembly shall consult with Member States to draw up a list of countries — in this case, one country — that would be requested to propose a candidate for appointment to the Joint Inspection Unit.

After holding the necessary consultations, I should like to communicate to the Assembly the information, received from the Chairman of the Group of Asian States, that the Group of Asian States has agreed that Japan should propose one candidate for the vacancy.

In accordance with article 3, paragraph 1, of the statute of the Joint Inspection Unit, Japan will therefore be requested to propose a candidate and a curriculum vitae highlighting the candidate's relevant qualifications for the task ahead.

After holding the appropriate consultations described in article 3, paragraph 2, of the statute of the Joint Inspection Unit, including consultations with the President of the Economic and Social Council and with the Secretary-General in his capacity as Chairman of the Administrative Committee on Coordination, I will submit to the Assembly a qualified candidate for appointment to the Joint Inspection Unit.

We have thus concluded this stage of our consideration of sub-item (h) of agenda item 17.

Agenda item 51

Elimination of coercive economic measures as a means of political and economic compulsion

Draft resolution (A/53/L.7/Rev.1)

The President (*interpretation from Spanish*): I give the floor to the representative of the Libyan Arab Jamahiriya to introduce draft resolution A/53/L.7/Rev.1.

Mr. Dorda (Libyan Arab Jamahiriya) (*interpretation from Arabic*): In the aftermath of the collapse, almost a decade ago, of the international balance — or, in the terms used by some, when the cold war ended — people of goodwill believed that the era of tensions, conflicts, wars and the arms race was for ever gone. They believed that the international community could breathe a little easier; that the world would witness a new phase in its

history, a phase of constructive cooperation; that savings and revenues would be devoted to development and to the achievement of progress within a framework of complementary action. This was their optimistic explanation of the other term they coined, "the new world order". However, no sooner had the people of goodwill awakened from their daydreams than they realized that what had really happened and what was taking place on the ground was different from their expectations and hopes.

Their dreams rapidly evaporated. They realized that they had no time even for daydreaming. Instead of one cold war, they witnessed the eruption of, or caused to erupt, several "hot" wars that consumed the blood of innocent human beings. Some of these wars were stopped and some temporarily abated. Some of them are still raging and some simmering. However, all of them have taken human lives in numbers too high to count and have left behind incalculable damage and destruction. All the losses have yet to be tallied. The only increases have been in the membership of the United Nations, the number of refugee camps and the number of hungry and orphaned. The sigh of relief has given way in this era to confusion, fear and anxiety caused by pressures, threats and orders imposed from above.

Instead of constructive cooperation, an era of embargoes, boycotts and economic blockades was ushered in. In terms of both human and material casualties, the victims of this era may surpass in numbers the victims of destructive wars. After all these years have elapsed, and since the collapse of international balance — or as the others may say, "the end of the cold war" — all dreams, hopes, and wishes have indeed evaporated. There was a stark new awakening to the light of a bitter truth.

The international community realized that the victor of a non-war — the so-called cold war — had decided to put its political, economic, cultural and social stamp on the world. The world would merely have to listen and obey. This applies even to the victor's closest allies. That victor also decided that its interests came above and before everyone else's interests, even those who shared common interests with that victor.

The victor in the cold war believed that the international situation had become ripe for it to dictate its conditions and issue its orders so that it could re-draw the world map in a manner that would guarantee its own interests before the rise of any kind of international equilibrium or balance, and could pre-empt the rise of such a balance.

Now, those countries that disobey the aforementioned orders and try to build their own societies based on their own particularities, and as an extension of their own roots, or based on their intellectual convictions or political and economic options, are qualified as "rogue States". Orders were issued to freeze the assets and funds of such countries that were invested in the country concerned. Even their imports, which were fully paid for and which met all applicable international legal conditions, were frozen. Then laws were enacted which would punish the rest of the countries of the world if they dealt with these countries or if their dealings with them exceeded a certain limit.

It is indeed a new world order. But why all of this?

Let us reply to this question by raising some questions of our own: First, why was Libya not punished before 1 September 1969, the date of its revolution? Second, was this due to the fact that before that date, Libya had accepted the establishment of military bases on its soil? Was it because after that date Libya cleared out those bases, liberating its land and skies? Third, was it because before that date Libya had signed concessions with American oil companies that focused on the interests of those companies at the expense of the interests of the Libyan people? And because after that date, Libya corrected all mistakes retroactively, thus restoring to the Libyan people their usurped rights?

Fourth, was it because Libya, prior to that date, had accepted being an occupied dependency when the treaty concluded with the United States deprived Libya of the simplest elements of sovereignty over its own territory? At that time, Libyan police could not apprehend the pilots who used Libyan shepherds and their sheep as training targets and killed them. Libya's prosecutorial authorities were unable to investigate, and its courts were unable to try, the culprits for their premeditated crimes. Even children were not spared these training runs. As a result, a young girl named Emmetika was killed, together with a number of other children. The air base, formerly known as Wheelus Air Base, now carries the name Emmetika as a sign of respect commemorating her and all those martyrs who were killed by aerial bombardment or under the wheels of vehicles driven by clearly inebriated soldiers and officers from American military bases. These incidents are documented with dates and places. We can provide this information via the Internet so that it will be known for sure that we are not falsely accusing anyone.

Was this also due to the fact that, after that date, Libya achieved true independence and freed its decision-making from any dependence on anyone? Fifth, where are the human rights of those martyrs? Are they not human beings like any other human beings? Or, perhaps, human rights, too, have taken their leave?

Sixth, why was Iran not punished before its Islamic Revolution? Why is it being punished now? Seventh, why was the Shah of Iran supported at a time when he was filling all prisons with all free men and all those who differed with him in opinion, and while his intelligence service — the SAVAK — was the most infamous organ of suppression in the second half of this century? Perhaps that was not terrorism, because it was in the service of the interests of those who made the Shah the policeman in the area against those who did care for the interests of their homeland, Iran. Human rights at the time must have been in some sort of coma.

Eighth, why are Iran's assets frozen? Why is an embargo imposed against it and against those who cooperate with it for good and prosperity? Is it because Iran decided to be independent and refrained from performing the role of the policeman previously performed by the Shah? Is it because Iran decided to be the master of its own destiny? Or is it perhaps because it returned to its roots and its religion and decided to shed all that is alien to it?

Ninth, why is the Democratic People's Republic of Korea being punished? Who fought against whom? Which divided itself from the other? Which is standing against reunification with the other? Why do we not leave every society to itself, to decide its own destiny, without any interference?

Viet Nam and Germany are good living examples. Until recently, the call for the unification of Germany could have been called an aberration. My country did not fear being accused of such an aberration. Our leader, from the rostrum of the Non-Aligned Movement summit in Belgrade, called for the reunification of Germany. Those who did not have political vision, those who did not read human history and thus were unable to absorb its lessons, were surprised at such a call. Yet Germany today is one united country. Social facts impose themselves on events of both history and geography. But who is able to learn such lessons?

Tenth, why is the Sudan being punished now? Is it because it is no longer Numayri's Sudan? Or because it is laying the basis for a path linking it to its own roots, history and environment? Maybe that is why the Sudan is being strangled. Or is it because the democracy of religious sects was better than the existing political regime in the Sudan? Does anybody have the right to impose a political formula on others? From where did they acquire such a right? Who gave them such a mandate? And why did the United States exclude Arabic gum products from the embargo? Perhaps Arabic gum is not Sudanese.

Eleventh, why is Cuba being punished? The statement made several days ago in this Hall by the Foreign Minister of Cuba gave all the answers to that question.

The acceptance of the right of a certain country to enact and implement extraterritorial laws could set a precedent for all other countries, enabling them to enact similar extraterritorial laws and to try to give them effect. In this case, would the world in which we live be civilized, or would it become a jungle?

Among the options that cannot be precluded is the fact that the producers of any given commodity, and especially raw materials, could be forced to establish special organizations among themselves to preserve their interests in the international market, be they agricultural, mineral or other. Such action would be justifiable by a number of objective considerations, not to mention the interests of those concerned. Various regions might be forced to set up their own economic groupings and pressures would be ineffective because the situation has become one of life or death. Continents could soon become self-contained economic frameworks, regardless of all internal and external conditions. This is no longer an option — it is now a very urgent and vital necessity.

The international community is called upon to do away with a precedent that could take the world to the brink of the unknown, with all its possible consequences and repercussions. I can understand that one member or even several members may have their own view of Libya; that is their right. Certainly, Libya has its own opinion of a certain country and even of several countries. Libya is, in turn, entitled to that opinion. However, the draft resolution before the Assembly today does not concern Libya alone and its wording is very clear to all. This is a common issue which concerns the entire international community. The voting will be on the subject matter, and not on Libya. Thus, it would be meaningless to agree to the content of the draft resolution and then to abstain from voting in favour of it. Any explanation of an abstention would also be absolutely meaningless.

The subject of the draft resolution relates to what is enacted by States, and not to what is enacted by the United Nations. Thus, this cannot justify or explain any abstention either. Those who support the content of the draft resolution must not fail to hit the green button when voting begins.

Mr. Donokusumo (Indonesia): On behalf of the Group of 77 and China, I would like to make a few brief and general comments on this important draft resolution.

In this era of globalization and liberalization, the practice of imposing unilateral coercive measures of an extraterritorial nature has accrued additional serious dimensions and its impact can have devastating consequences for the affected countries. Such practices run counter to the imperatives of international cooperation for development and to the spirit of partnership being fostered in the increasingly interdependent world. Moreover, the imposition of such measures by one country on another contravenes international law and is totally incompatible, not only with international rules and regulations, but also with the principles of equal sovereignty, non-intervention and non-interference in the internal affairs of sovereign States.

As a result, such coercive actions prevent the affected countries from enjoying their equal and non-discriminatory rights in pursuing development and from freely expanding their international trade. In fact, resolution 1994/47 of the Commission on Human Rights states that such measures, unilaterally implemented against developing countries, hinder the full realization of all rights set forth in the Universal Declaration of Human Rights, particularly the right of people to a minimum standard of living and development. In addition, in his subsequent report (E/CN.4/1995/43), responding to this resolution, the Secretary-General stated that the application of such measures is incompatible with the principle of international cooperation, has a negative impact on the economies of the developing countries suffering these measures, and constitutes a serious violation of the human rights of the affected individuals, groups and peoples.

For these purposes, the international community should work together, striving to ensure that countries refrain from such activities. In this regard, it is necessary to ensure that the World Trade Organization be kept free of political constraints and be economy-oriented. The international community should also seek to promote the right to development of all countries, in conformity with the principles and spirit of the United Nations and its Charter.

Mr. Wilmot (Ghana): A few days ago, in this very Hall, the General Assembly adopted by an overwhelming majority a resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. Today, the Assembly is being called upon to consider the need to eliminate coercive economic measures as a means of political and economic compulsion.

Although, prima facie, the scope of the present agenda item is more general than that of the resolution adopted a few days ago, the underlying principles at stake are the same in the two cases. Consequently, the reasons which informed the massive condemnation of the economic embargo imposed by the United States of America against Cuba hold true for the elimination of coercive measures generally as a means of political and economic compulsion.

The main objective of all such measures is to prevent the targeted State or States from exercising their right to decide, voluntarily, their own political, economic and social systems. But that runs counter to the cardinal principle of the United Nations Charter, which upholds the sovereign equality of States and non-intervention and non-interference in their internal affairs.

Again, the legislation backing such measures, epitomized by the so-called Helms-Burton and D'Amato-Kennedy Acts passed by the United States Congress, have extraterritorial effects which adversely affect the sovereignty of third States, the legitimate interests of entities or persons under their jurisdiction and the freedom of trade and navigation. From that perspective, the legislation violates not only the principles and purposes of the United Nations and the norms of international law, but also freedom of international trade and navigation, which is enshrined in many international legal instruments, including those of the World Trade Organization.

Another feature of the measures in question, and the legislation backing them, is that they are unilateral in nature, taken without any regard whatsoever to the United Nations Charter principle requiring all Member States to refrain from the threat or use of force in their international relations or to the provisions of Chapter VI of the Charter, which call on Member States to settle disputes by peaceful means such as negotiation, inquiry, mediation, conciliation, arbitration and judicial settlement.

We are also disturbed by the recent attempt to introduce new concepts of international law aimed at internationalizing the essential elements contained in extraterritorial laws through multilateral agreements. We reject outright all such attempts, as we do the present trend to strengthen and expand these elements through the Bretton Woods institutions. We also reaffirm our rejection of evaluations, certifications and other coercive measures used as a tool for pressurizing Member States.

There have been numerous resolutions in the past in which this Assembly has called upon Member States to take urgent and effective steps to end coercive economic measures in their international relations. Notable among them is General Assembly resolution 51/22 of 1996. At their recent summit meeting, held in Durban in September this year, the heads of State or Government of the Non-Aligned Movement reaffirmed their rejection of all such measures and of the enactment of extraterritorial laws as being incompatible with international law and the purposes and principles of the United Nations Charter. Earlier in the year, the Assembly of Heads of State and Government of the Organization of African Unity also adopted a decision expressing concern at the continued imposition of extraterritorial coercive measures and calling for their elimination. Furthermore, on several occasions, the heads of State or Government at the Ibero-American Summits have called for the elimination of unilateral economic and trade measures by one State against another that affect the free flow of international trade. And just a few days ago, the entire European Union, speaking in this Assembly through its spokesman, the representative of Austria, expressed its vehement opposition to unilateral coercive legislation which has extraterritorial effects.

For all these reasons, my delegation calls once more upon States which apply unilateral coercive measures to put an immediate end to them. We also call on all States not to recognize any legislative enactments which back such measures.

We wish to conclude by reiterating that it is the inalienable right of every State, however small, however weak and however poor, to choose the political, economic and social system that it deems appropriate for the well-being of its people, in accordance with its own national plans, policies and priorities. No other State has the prerogative or the right to interfere in the exercise of such choice.

My delegation will vote in favour of draft resolution A/53/L.7/Rev.1.

Ms. Flórez Prida (Cuba) (*interpretation from Spanish*): The position of the Government of the Republic of Cuba on the item that has brought us together today is very well known. The Government of the Republic of Cuba made public its rejection of the 1996 Iran and Libya Sanctions Act, also known as the D'Amato-Kennedy Act, from the very moment that it was passed. Consequently, we voted in favour of General Assembly resolution 51/22, which called for the immediate repeal of unilateral extraterritorial laws that impose sanctions on companies and nationals of third States and which also called for such measures not to be recognized.

By means of that law the United States of America is seeking once again to extend the scope of its domestic legislation to third States — an action that has repeatedly been denounced — in this case, by applying sanctions on companies and individuals from countries that trade with or invest in the oil sectors of Libya and Iran.

The enactment of such measures reveals the true nature of the policy being pursued by those countries that claim to promote trade liberalization but that at the same time seek to impose their domestic legislation on all other countries, including their closest allies, without any moral, legal or political basis.

Although it has been recognized by a number of General Assembly resolutions, it is necessary to reiterate that the application of such measures by one country against another is a blatant violation of international law and of the principles of the Charter, including the sovereign equality of States and non-intervention and non-interference in the internal affairs of sovereign States.

The international community has repeatedly condemned the damaging effects of the application of such measures on the health, well-being and enjoyment of human rights of people, in particular those in the most vulnerable sectors of the countries to which they are applied.

My country profoundly believes that in the current international circumstances the international community must prevent the proliferation of such measures, particularly those that are extraterritorial, and demand an end to such practices.

Accepting such legislation would mean recognizing a system of international relations that favours the hegemony and irresponsible policy of one great Power.

My delegation, consistent with its condemnation of any extraterritorial act that violates the sovereignty of peoples, associates itself with the broad international rejection of this kind of legislation and trusts that the United Nations will play its proper role in ensuring that the will and the decisions of the international community in this regard are upheld.

Consequently, the Cuban delegation will vote in favour of draft resolution A/53/L.7/Rev.1, entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

Mr. Al-Hitti (Iraq) (*interpretation from Arabic*): May we at the outset express our thanks and appreciation to the fraternal delegation of the Libyan Arab Jamahiriya for its efforts to have this item included in the agenda of the Assembly.

The international community has been overwhelmingly preoccupied in recent years due to the increased arbitrary use of economic and political coercive measures — whether imposed unilaterally or collectively, under the banner of the United Nations — through the abuse of authority by some of the powerful States in the Security Council.

The numerous reports adopted by the specialized agencies of the United Nations and intergovernmental or non-governmental organizations have all confirmed beyond any doubt that these coercive measures affect directly and dangerously all aspects of society, economy, health and education in all countries targeted by these sanctions. Their negative impact on those affected will continue for many generations to come as a result of the concomitant physical and psychological trauma left after the sanctions are lifted.

As is well known, this economic and political coercion affects third countries linked through economic relations with this or that targeted country. This endangers the international trade system and international relations as a whole.

The Charter clearly states the circumstances in which the international community may have to resort to the use of economic sanctions. The first of these is the existence of any threat to international peace and security, provided that all preventive or pre-emptive measures together with other undertakings, such as international arbitration and mediation in conflicts and the assignment of a role to regional organizations to find adequate solutions to conflict, have all failed.

It is unfortunate that many States, particularly influential States in the Security Council, rode roughshod over these standards and began imposing coercive economic and political measures against other States. This was done for no other reason than the refusal by those States to acquiesce to the will of hegemonic States on the international political scene. Experience has already shown that these States care for nothing other than their own narrow national interests when dealing with important international issues.

Differences of opinion between States are in the nature of things. What is not normal is for some States to regard these differences as a basis for adopting policies that run counter to international law with a view to forcing other countries to change their political and economic approach in a way that would make them responsive to the political or economic approach followed by the States that impose these policies. That is so even if this approach runs completely counter to the interests of the countries on which coercive political and economic measures are imposed.

We believe that the General Assembly, which represents the will of the international community, is the appropriate forum in which to discuss this important and critical question.

My delegation therefore calls on all Member States to pool their efforts in order to stand up to the policies of imposing coercive economic and political measures — policies that would not shy away from using food and medicine as a weapon to bring political pressure to bear on countries that are trying to break out of dependency and to safeguard the independence of their political decision-making. All of these are rights guaranteed to all States by the Charter and by the principles and custom of international law.

Mrs. Bashir (Sudan) (*interpretation from Arabic*): It is a tribute to the Assembly that it provides an important rostrum for weak States to be heard — States targeted by the forces of aggression and injustice.

Once again, the Assembly is today debating the unilateral use by a major Power of coercive political and economic measures as a means of putting pressure on other sovereign States in an attempt to coerce them into dependence.

At the last session, in resolution 52/181, the General Assembly expressed deep concern because the unilateral

use of such measures adversely affects the economies and the development efforts of developing countries. Moreover, such measures have a negative impact on international economic cooperation and on worldwide efforts to institute a non-discriminatory and open multilateral trading system. In the same resolution, the General Assembly urged the international community to adopt urgent effective measures to stop the use by some developed States of coercive economic measures against developing States in order to avoid a contradiction with the purposes and principles of the Charter of the United Nations.

At last session's debate, it was demonstrated that such coercive economic measures are illegal and that they run counter to the most fundamental principles of peaceful coexistence and international economic cooperation. They also contradict the international consensus on the need for a more open, non-discriminatory world trading system, and call into question the credibility of the noble standards of trust and the supremacy of the rule of law, which are important underpinnings of international relations and of relations between States.

The United States of America has ignored numerous General Assembly resolutions; in fact, it has expanded its use of these coercive economic measures, to the point that now there are more than 70 States, including my country, against which the United States Administration has issued presidential decrees. The political motivation for this coercive United States action has sent the wrong message to insurrectionist movements in my country; this in turn has hampered the peace talks that were under way in Nairobi when the United States decree was issued.

The United States continued its aggression against Sudan when, on 20 August 1998, it launched a missile attack on a plant producing human and veterinary pharmaceuticals, located in the heart of our capital, Khartoum. The United States justified its heinous crime with empty arguments and baseless allegations which lacked any proof. The United States Administration still rejects Sudan's call — which enjoys the support of the overwhelming majority of Member States — for the Security Council to send a fact-finding mission to look into these allegations.

In conclusion, my delegation reaffirms that the use of such coercive economic measures violates the principle of non-intervention in the internal affairs of States, their national sovereignty, and their political and development choices based on their own economic and cultural criteria. My delegation also affirms that ignoring General Assembly resolutions calling for an end to such measures can only hamper — indeed, destroy — the principles of dialogue and the peaceful settlement of disputes between States.

My delegation will vote in favour of draft resolution A/53/L.7/Rev.1.

Mr. Nejad-Hosseinian (Islamic Republic of Iran): Powerful transnational forces are at work reshaping the key features of world markets in capital, goods, services, labour and technology. As discussed in detail here in the Assembly in the course of the two-day high-level dialogue back in September, the twin processes of globalization and liberalization have expanded and deepened the mutual interdependence of societies, which has in turn increased the potential for international interaction and cooperation. In such an environment, recourse to unilateral and extraterritorial coercive economic measures is a serious threat to the basic principles and the foundations of the international economic, trade and financial system.

The impermissibility under international law of unilateral and extraterritorial sanctions against other countries is uniformly recognized by the international community. The adoption of coercive economic measures falls within the mandate of the United Nations only in particular situations where there exists a threat to the peace or a breach of the peace. Moreover, several relevant principles set forth in the Charter provide a solid basis for the Organization to offset the exercise of unilateral sanctions by individual States. United Nations documentation against unilateral action is comprehensive. According to General Assembly resolutions, unilateral coercive measures violate the principles of non-intervention, non-interference in the internal and external affairs of other States, and the exercise by States of their sovereign rights. In this regard, both paragraph 2 of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, resolution 2131 (XX) of 21 December 1965, and article 32 of the Charter of Economic Rights and Duties of States, resolution 3281 (XXIX) of 12 December 1974, stipulate that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights", with the former Declaration adding "or to secure from it advantages of any kind".

Moreover, the General Assembly has denounced on various occasions unilateral and extraterritorial economic coercion as a means of achieving political goals. Resolutions on economic measures as a means of political and economic coercion against developing countries adopted at the forty-fourth, forty-sixth, forty-eighth, fiftieth and fifty-second sessions of the General Assembly, and the resolution entitled "Elimination of coercive economic measures as a means of political and economic compulsion" adopted at the fifty-first session are prominent examples of the series of United Nations responses to such unlawful actions.

Mr. Ka (Senegal), Vice-President, took the Chair.

The imposition of coercive economic measures and the enactment of domestic legislation with extraterritorial implications for the horizontal escalation of such actions and measures also contradict provisions of established international trade law, including those under World Trade Organization (WTO) regulations.

Various forms of coercive economic measures and actions were imposed against 79 foreign countries, in particular developing countries, between 1979 and 1992, and from 1993 to 1996 unilateral sanctions were imposed no fewer than 61 times against 35 countries. These statistics indicate that recourse to such measures and actions has been on the rise in terms of number, and that these measures have intensified in severity in recent years. The nature of such illegal measures has also changed; for example, they now take the form of measures with extraterritorial implications against the trade and investment partners of targeted countries. This unfortunate development and the consequent violation of the sovereignty of other States have recently taken on dangerous dimensions. They contravene the principle of territoriality of national laws and the legitimate interests of companies and persons falling under their jurisdiction.

Recourse to unilateral measures has had a serious adverse impact on the economic, trade and financial relations of countries from both North and South with the targeted developing countries. The main targets, however, are companies and legal persons and entities of these very countries which are prohibited from engaging in economic, commercial and financial relations with targeted countries. Such actions create serious distortions in the international economy, impede an expansion of North-South and South-South relations, hinder regional cooperation among developing countries and impose tremendous costs on other regional countries in their endeavours towards integration in the international economy.

In almost all United Nations resolutions and decisions on financial and commercial issues and related financial declarations and conclusions of high-level meetings in the entire system, the critical need for an equitable, rule-based, secure, non-discriminatory and predictable multilateral trading system has been emphasized. The necessity of a favourable and conducive international economic and financial environment and a positive investment climate as a means to facilitate and promote the participation of developing countries in international trade and finance has also been endorsed year after year by Member States by consensus. These instruments have, *inter alia*, invariably called on all countries to abolish all measures which could impede free international trade and financial transactions. The commitment to uphold and strengthen the multilateral trading system for the economic and social advancement of all countries and peoples was reaffirmed and renewed in the ministerial communiqué of the high-level segment of the 1998 substantive session of the Economic and Social Council, held in July this year.

On the basis of these principles and commitments, the international community has vigorously reacted to these illegal measures and actions. Developed countries have also discussed and rejected the enactment of these illegal instruments within various existing coordination frameworks among themselves and have used international and intergovernmental mechanisms to pre-empt recourse to such measures. The adoption in November 1996 by the Council of Ministers of the European Union of a regulation and a joint action to protect the interests of natural or legal persons residing in the European Union against extraterritorial legislation is a case in point. Developing countries have also individually enacted legal measures rendering any foreign legislation which is directly or indirectly aimed at restricting or impeding the free flow of trade and investment to the detriment of any country inapplicable and without legal effect within their national territories. The same has taken place in regional, intergovernmental and international meetings among developing countries.

The twelfth summit of the Non-Aligned Movement in Durban; the thirty-fourth regular Assembly of Heads of State and Government of the Organization of African Unity in Ouagadougou; the eighth session of the Islamic Summit Conference in Tehran; and the twenty-second annual meeting of the Ministers for Foreign Affairs of the

Group of 77 and China in New York have all rejected recourse to such illegal unilateral and extraterritorial measures. It is also worth mentioning that consideration of this crucial issue at all recent international conferences, summits and other high-level meetings is a manifestation of the multidimensional character of these unlawful measures which adversely affect all countries and the global economy as a whole.

Finally, the legislation known as the Iran and Libya Sanctions Act is an obvious example of extraterritorial coercive economic measures. It is a United States domestic instrument without any foundation in international law which has targeted the economic, commercial and financial relations of other countries with the Islamic Republic of Iran. As is fully known and has been further corroborated by recent developments, external pressures on oil companies to stay away from investing in the development of Iranian oil and gas projects has not encountered success. Moreover, that legislation, whose enactment is known to be a product of domestic politicking, contradicts the provisions of the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States. We call upon all the Member States of the United Nations to refrain from recourse to such measures and to nullify any already in place. In our view, the draft resolution entitled "Elimination of coercive economic measures as a means of political and economic compulsion" is an appropriate response on the part of the General Assembly to such unlawful and illegal measures. It represents our collective commitment to the principles, goals and objectives enshrined in the Charter of the United Nations, recognized principles and norms of international law and the provisions of the existing related international instruments. It deserves to be adopted by consensus by the General Assembly.

Mr. Kafando (Burkina Faso) (*interpretation from French*): The discussion of agenda item 51 provides the opportunity for us to speak very briefly on the problem of eliminating coercive economic measures used to exert political and economic pressure. This raises once again the thorny issue of sanctions.

As we know, sanctions were originally among the political means to which States could resort in order to make recalcitrant members of the international community listen to reason. Relevant international law has done everything possible to incorporate sanctions into the arsenal of political and legal coercive measures. However, since the founding of the United Nations, sanctions have tended to be an exception among exceptions, in that they were intended to be used with great caution and discretion, as is the case with any weapon. This means that they should be used only once peaceful means, such as negotiation, mediation and conciliation, have been exhausted. It is in this sense that the Charter of the United Nations clearly spells out in Article 2, paragraph 3, that:

> "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

But it is precisely economic sanctions that are most unjust and the most harmful, because of their contagious effects and the insidious damage they inflict. If a country cannot for four, five or six years export its products or obtain foodstuffs from abroad, imagine the suffering of the people of that country. The paradox is this: the quest to punish a State for a serious failing or for an offence it has committed — in other words, because an injustice has taken place — results in another injustice: starving a population that, in terms of the scale of responsibility, is completely innocent. Herein lies the iniquity of economic coercion.

In the case of Libya, which for seven years now has been a classic example, it is the Libyan people who have been paying a high price in the form of the many privations they must endure daily. This is an absurd situation. The attempt to right the wrongs caused by the tragedy of Pan Am flight 103 has succeeded only in creating more suffering: that of the families of the victims of this tragedy, who continue to live with the frustration of unanswered questions and especially the knowledge that the matter has now become a problem between States; and that of the Libyan people, who are wondering why they should experience such misfortune.

Based primarily on these humanitarian considerations, the African heads of State, on their part, decided on the elimination of unjust and unilateral economic measures against the Libyan Arab Jamahiriya. They noted further that the effects of those measures had spilled over beyond the region of the country involved, in violation of international law, and thereby endangered the interests of other countries, in particular those of the developing countries. They stated also that those measures were at the root of the economic and social ills suffered by neighbouring countries and peoples.

I have spoken only of Africa here, but it is clear that criticism of such measures is now very widespread. The

Non-Aligned Movement, for instance, at its most recent summit in South Africa recalled the unjust nature of economic coercion. Eminent voices such as those of His Holiness John Paul II have spoken out against these same measures, in particular those against Cuba. For all these reasons, we should support draft resolution A/53/L.7/Rev.1.

Mr. Al-Nasser (Qatar) (*interpretation from Arabic*): As Chairman of the Islamic Group, I have the honour to speak today on item 51 of the agenda of the fifty-third session of the General Assembly, entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

Allow me at the outset to extend to Mr. Opertti sincere congratulations on his election as President of the current session of the General Assembly and to wish him every success. I am fully confident that his experience and statesmanship will stand us in good stead in the conduct of our work.

At a time when we are looking forward to entering the twenty-first century in a spirit of tolerance, amity and brotherhood among all humankind, the elimination of coercive economic measures as a means of political and economic compulsion has become an urgent need in order to get rid of the effects of the use of force and the confrontational thinking that prevailed in international relations during the cold-war era. These were a stumbling-block on the path of the economic development of developing countries.

Coercive economic measures run counter to the "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations", adopted by the General Assembly on 24 October 1970 by resolution 2625 (XXV), which states that

> "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law." (*see resolution 2625 (XXV), annex, para. 1*)

The Declaration also states that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind." *(ibid.)*

General Assembly resolution 51/22 recalled its numerous resolutions in which it called upon the international community to take urgent and effective steps to end coercive economic measures, and expressed grave concern over the recent enactment of extraterritorial coercive economic laws in contravention of the norms of international law, the aims and purposes of the United Nations and the relevant provisions of the World Trade Organization.

That resolution reaffirmed the inalienable right of States to economic and social development and to choose their political, economic and social system on the basis of the international Organization's commitment to the consolidation of the rights of peoples embodied in the Charter of the United Nations and international law, in the interest of achieving the Organization's objectives of the maintenance of international peace and security.

The Islamic Group, proceeding from the precepts of its glorious religion, its profound belief in the establishment of justice among humankind and its adherence to the principles of international law, in accordance with the Charter of the United Nations and its noble objectives calling for the immediate elimination of extraterritorial, unilateral laws, urges the international community to promptly take steps to put an end to the use of unilateral measures against developing countries. Here I should like to recall resolution 15/8 adopted by the eighth Islamic Summit Conference, held in Tehran from 9 to 11 December 1997. It reaffirmed that unilateral measures affecting other parties and the attempt to enforce domestic law in the territories of other States are in contravention of the principles of international law governing relations among States and the United Nations Charter, which sets forth the obligation of all States not to interfere in the internal affairs of other States and to settle their disputes by peaceful means.

The resolution called on States, *inter alia*, to consider the so-called D'Amato Act in contravention of international law and norms and to regard it as null and void. In this regard, I also would like to recall paragraph 69 of the final communiqué of the twenty-fifth session of the Conference of Foreign Ministers of the Organization

of the Islamic Conference, held in Doha, Qatar, from 15 to 17 March 1998. Inspired by the aforementioned principles, in this paragraph:

> "The Conference reaffirmed its solidarity with the Islamic Republic of Iran and the Great Socialist Libyan Arab Jamahiriya for their position concerning the so-called D'Amato Law and rejected any arbitrary or unilateral measure, whether political or legal applied by one country against another one. It urges all States to consider this law which is against the international law and norms, as null and void."

Voting in favour of the draft resolution before us today is an imperative dictated by our responsibility to adhere to the provisions and principals of international law and to achieve the noble aims of the United Nations Charter, while taking full account of the general principles governing the international trade system and trade policies for development which are included in the relevant resolutions, norms and provisions of the United Nations and the World Trade Organization.

Mr. Li Hyong Chol (Democratic People's Republic of Korea): The delegation of the Democratic People's Republic of Korea believes that the discussion of agenda item 51, entitled "Elimination of coercive economic measures as a means of political and economic compulsion" is very timely and significant, as it reflects the current international situation. Elimination of unilateral coercive economic measures is a fundamental condition for the establishment of democratic and equitable international economic relations.

Today, power politics still remain intact, even though humankind is at the threshold of a new millennium after the cold war. This reality indeed casts a gloom over the prospects for international relations and also runs counter to this era's trend towards a peaceful and just new world. As reality shows, coercive economic measures serve only as tools of power politics.

Sanction measures now being applied cannot and should not be tolerated, either in view of their purpose, pursuing political and economic pressure, or of the unacceptable logical and legal grounds used to justify their application and their catastrophic consequences.

In this connection, the international community should pay serious attention to the question of upon whom and on what grounds the sanctions are imposed, and it should work out a fair solution. In many instances, the target States of the sanctions are small States whose social systems and political policies and positions are alleged to be reason for sanctions. It is both serious and deplorable that the situation, which is characterized by coercive sanctions and domination by power, has been created as a result of extraterritorial and arbitrary laws and acts on the part of certain big Powers.

The use of forcible means in pursuit of political aims is a clear violation of the purposes of the United Nations Charter, the principles of international law, resolutions of the General Assembly and the declarations and programmes of action of major international conferences.

Chapter I, Article 1 of the Charter establishes that the development of friendly relations based on respect for the principle of equal rights and self-determination and achieving international cooperation in solving international problems of an economic, social and cultural character should be the main purpose of relations between the countries. In addition, article 32 of the Charter of Economic Rights and Duties of States, contained in General Assembly resolution 3281 (XXIX), states that

> "No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights."

In particular, the just demand of the developing countries and their efforts to include the issue of ending unilateral coercive economic measures in the agenda of the General Assembly has been met since 1989. Accordingly, a number of resolutions and decisions — such as resolution 51/22 on "Elimination of coercive economic measures as a means of political and economic compulsion" and resolution 52/181 on "Unilateral economic measures as a means of political and economic coercion against developing countries" — were adopted in subsequent Assembly sessions.

In addition, the declarations and programmes of action adopted at such major conferences of the United Nations as the World Summit for Social Development and the Fourth World Conference on Women, held in recent years, condemned unilateral economic-sanction measures as acts of interference in the internal affairs of the sovereign States as well as gross human rights violations, and they called for the repealing of such coercive measures and laws.

However, in disregard of the requirements of the current era, certain countries still continue to resort to frequent imposition of economic sanctions upon developing countries as a means of coercive political and economic pressure. This is an unpardonable challenge to the international community which can never be justified.

The most prolonged and severe coercive economic measures of this kind in our century are none other than the unilateral economic sanctions and blockade imposed by the United States upon the Democratic People's Republic of Korea. By means of more than a dozen laws, such as the Trading with the Enemy Act and Foreign Assets Control Regulations, legislated on 28 July and 17 December 1950 respectively, the United States has been continuously imposing comprehensive economic sanctions upon our Republic and its population for almost half a century.

What makes this more serious is that, even though four years have elapsed since the conclusion by the Democratic People's Republic of Korea and the United States of America of the Agreed Framework — which, it was hoped, would promote the improvement of relations between both countries — the United States has not taken steps to lift the sanctions imposed upon us, thus failing to fulfil its commitment, and it has imposed further conditions for lifting the sanctions. It continues to resort to a hostile policy towards us.

All of this attests to the fact that the United States has been using economic sanctions as a hostile policy and a means of compulsion aimed at isolating and stifling our Republic. If anachronistic pressure and blackmail continue to remain unchecked, they will present a dangerous element that may bring about another type of cold war by inciting confrontation and hostility among countries.

My delegation takes this opportunity to reiterate that Member States of the United Nations should pay due attention to the early implementation of the United Nations resolutions concerning the elimination of sanctions as a means of political and economic pressure, including unilateral coercive economic measures against developing countries, and they should make every effort to that end.

My delegation also urges that unilateral coercive economic measures against developing countries should be eliminated at an early date. At the same time, my delegation is strongly opposed to the attempt to initiate and indefinitely maintain sanctions as a forcible means to change legitimate political and economic systems of individual countries.

In this regard, the delegation of the Democratic People's Republic of Korea will vote in favour of the draft resolution contained in document A/53/L.7/Rev.1.

In conclusion, my delegation reaffirms its commitment to actively join in the efforts of the international community with a view to eliminating as early as possible the unilateral coercive economic measures and establishing equitable international relations.

Mr. Vermeulen (South Africa): South Africa is committed to the principles of the sovereign equality of States and the freedom of international trade. These fundamental principles guide my delegation in our consideration of the draft resolution under agenda item 51, concerning the elimination of coercive economic measures as a means of political and economic compulsion.

The Heads of State or Government of the Movement of Non-Aligned Countries addressed this very issue at the twelfth summit meeting held in Durban on 2-3 September 1998. On that occasion the Non-Aligned Movement (NAM) condemned the unilateral application of coercive economic and other measures and the enactment of extraterritorial laws aimed at preventing developing countries from exercising their right to freely decide their own political, economic and social systems.

South Africa would like to reiterate and endorse the call of the NAM Durban summit on all countries not to recognize the unilateral or extraterritorial imposition of sanctions against other States and foreign companies or individuals and to refrain from adopting such coercive measures as a means of exerting pressure on non-aligned or other developing countries.

As the leaders of NAM noted, these measures constitute violations of international law and the Charter of the United Nations. They called on the international community to take effective action to arrest the trend, including attempts to introduce or internationalize such extraterritorial measures through multilateral institutions or agreements, and they specifically rejected the trend geared towards the strengthening of coercive unilateral measures through the Bretton Woods institutions.

My delegation would like to reiterate and underline our opposition to all forms of unilateral coercive measures, and we will vote in favour of the draft resolution before us.

Mr. Andjaba (Namibia): It gives me great pleasure to be able to participate in this debate and to once again reiterate the position of the Government of the Republic of Namibia on this issue, which is of great importance to us.

Two years ago the General Assembly adopted resolution 51/22 of 27 November 1996, on the item entitled "Elimination of coercive economic measures as a means of political and economic compulsion". The resolution calls for the immediate repeal of unilateral extraterritorial laws which transcend national boundaries and impose sanctions on companies and nationals of other States. It also calls upon other Member States not to recognize unilateral extraterritorial coercive economic measures or legislative acts imposed by any State.

It is regrettable that since the adoption of that resolution, the Member State concerned continues to apply extraterritorial coercive measures in defiance of the demands of the international community. Despite the end of the cold war, external interventions through dubious means still persist. These interventions are being felt in most of the developing countries, such as Libya and Cuba to mention only two.

On several occasions during the sessions of this body and in other international forums, Namibia has registered its strong opposition to the laws enacted by a Member of the United Nations which seek to advance its political, economic and military interests in countries of the developing world, with a view to preventing those countries from exercising their inalienable rights to self-determination by freely choosing their political system and to determine their own path of economic, social and cultural development. The spirit and letter of these dubious laws contravene the resolutions of the General Assembly, in particular resolution 2131 (XX) of 21 December 1965, on the inadmissibility of intervention in the domestic affairs of other States and the protection of their independence and sovereignty.

These extraterritorial laws also contravene resolution 3281 (XXIX) of 12 December 1974, which prevents the use of economic, political or any other means to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

In this regard, my delegation once again calls upon the United States of America to refrain from adopting or implementing extraterritorial measures which are coercive in nature, such as the recent enactment of the Helms-Burton and the D'Amato-Kennedy Acts, which constitute a blatant violation of the principles of international law and the United Nations Charter.

The Government of Namibia — out of respect for the sovereignty of other States, the non-interference in the internal matters of other Member States, the promotion of international cooperation, peace and security, and the creation and maintenance of just and mutually beneficial relations among nations — will not entertain any unilateral measures by any State.

In the same vein, Namibia will also continue to work with other peace-loving countries in the United Nations to fight against coercive economic measures which are detrimental to the new world order, as signified by the development of the new global economy and liberal trade regimes.

Finally, my delegation fully supports and will vote in favour of draft resolution A/53/L.7/Rev.1.

Mr. Gambari (Nigeria): In my capacity as Chairman of the African Group for the month of October 1998, I have the honour to address the General Assembly, at its fifty-third session, on agenda item 51, entitled "Elimination of coercive economic measures as a means of political and economic compulsion".

On behalf of the African Group, I would like to recall that, in its Final Communiqué, the most recent summit meeting of the Organization of African Unity (OAU), which took place in Ouagadougou, Burkina Faso, on 8 June 1998, addressed the necessity for the elimination of unjust economic measures as an instrument of economic and political coercion. Noting that the implementation of coercive economic measures in many developing countries has resulted in considerable social and economic deprivation for the citizenry, the summit recommended, *inter alia*, that any extraterritorial measures used as a means of political and economic coercion be reviewed in such a way as to alleviate the negative impact on the lives of innocent citizens, both in the target State and in the neighbouring countries.

It is a reality that sanctions are a tool of enforcement and, as such, they have the tendency to constrain the economic and social life of the affected State. It is also a fact that sanctions regimes established by the United Nations normally include humanitarian provisions. However, the implementation of the humanitarian provisions related to international sanctions is often cumbersome and thereby leads to delays in the

procurement, delivery and distribution of essential commodities, such as food and medicine. As a result, the most vulnerable segments of the population — mostly women and children — are often those that are hit the hardest by the harmful effects of international sanctions.

Allow me to make reference to the report of the United Nations Secretary-General on the work of the Organization (A/53/1), which, *inter alia*, welcomes the concept of "smart sanctions", which would be targeted at pressuring Governments rather than ordinary people in the countries concerned. The implementation of such a new concept would surely encourage the tailoring of sanctions specifically to protect the majority of the populace from economic hardships.

In this connection, I would also like to draw attention to the open debate in the Security Council on the document entitled "Supplement to an Agenda for Peace: position paper of the Secretary-General on the occasion of the fiftieth anniversary of the United Nations". In that document, former Secretary-General Boutros-Ghali put his finger right on the contradictions which arise from the employment of sanctions in efforts to maintain international peace and security. Several questions which were raised in that debate are relevant to our discussion of agenda item 51 in this Assembly.

First, how do all we Members of the United Nations ensure that sanctions are properly targeted at the decision-makers, rather than at the general population, of the countries concerned? Secondly, how do we make adequate provisions to protect innocent civilians, who invariably suffer disproportionately from the effect of international sanctions? Thirdly, how do we compensate the neighbouring States, which often bear the brunt of the enforcement of sanctions at great expense to their own economies and even to their own domestic peace and stability? Finally, are we fully aware that the prolongation of sanctions against a country could have the unintended effect of producing greater intransigence and defiance from the peoples and their respective Governments, which may indeed find ground by pleading that sanctions are an international conspiracy to unduly punish them?

Moreover, the unilateral imposition of measures by some countries on other States, in an attempt to influence the domestic politics of the targeted country or countries, give sanctions a very negative connotation and may very well undermine their moral force.

We in the African Group believe that the relationship between States Members of the United Nations and the international community should become increasingly more cooperative, rather than confrontational. If they did, extraterritorial coercive economic measures as a means of political and economic compulsion would be completely eradicated.

The African Group therefore supports the draft resolution before the General Assembly, which we hope will give relief, both in economic and social terms, to the ordinary citizens of affected countries. In this regard, we wish to note that, while it is the primary responsibility of the Security Council to maintain international peace and security, that mandate must be exercised without jeopardizing the well-being of the innocent, ordinary citizens of any nation.

The General Assembly, moreover, has the responsibility, not only to bring this fact to the attention of the Security Council and the international community as a whole, but also to adopt appropriate resolutions, such as the draft before us, to correct injustices resulting from the imposition of unilateral, extraterritorial coercive economic measures.

On the part of my delegation, we shall certainly vote in favour of this draft resolution.

Mr. Hasmy (Malaysia): My delegation is participating in this debate in order to join others in expressing Malaysia's position on this important issue, as we did on a related item pertaining to Cuba on 14 October 1998.

From the statements made in this Assembly today and in the past, and the responses received by the Secretary-General pursuant to a previous resolution of the Assembly on this subject, it is clear that there is considerable concern on the part of the international community over the use of coercive economic measures as a means of political and economic compulsion. This concern is based on the following compelling arguments.

First, such coercive economic measures violate the established norms of relations among nations, including, in particular, those enshrined in the Charter of the United Nations and numerous relevant resolutions of the General Assembly. They violate the universal principles of the equal sovereignty of States and non-intervention in their internal affairs.

Secondly, they violate the letter and spirit of the Agreement Establishing the World Trade Organization and the acknowledged objectives and purposes of many regional economic or trade organizations, which, *inter alia*, uphold and promote the universal principles of international trade, in particular, the principles of non-discrimination and freedom of international trade.

Thirdly, such unilateral measures are discriminatory in nature, intended to serve specific political agendas against the target country or countries.

Fourthly, these measures have an extraterritorial dimension, in that they extend the application of domestic laws to other countries.

Like many delegations that have addressed the Assembly on this subject, Malaysia is against the application of such extraterritorial coercive measures in inter-State relations. We fully subscribe to the final document of the twelfth summit of the Non-Aligned Movement, held in Durban in September 1998, which, *inter alia*, called on all States to refrain from adopting or implementing extraterritorial or unilateral measures of coercion as a means of exerting pressure on non-aligned and other developing countries. It is clear that these measures are as unpopular as they are anachronistic — they are a throwback to a world of the past, characterized by its cold-war rigidity. They are out of step with the current trend towards increasing interdependence as well as interaction and interconnectedness among States, developed and developing, a trend impelled by a new and palpable universal sense of a truly global community. In an increasingly borderless world in which global trade plays a pivotal role in relations among States, there is really no place or justification for the continuation of such policies.

In expressing Malaysia's support for draft resolution A/53/L.7/Rev.1, which was initiated by the delegation of the Libyan Arab Jamahiriya, my delegation joins the call for the immediate repeal of such unilateral extraterritorial laws, in particular the D'Amato-Kennedy Act and the Helms-Burton Act, the main objectives of which are, *inter alia*, to restrict the target country's access to markets, capital, technology and investment in order to maximize the intended negative impact of that policy on the country or countries concerned. We urge the immediate repeal of such measures and their replacement with measures that are fair and consistent with the corpus of international laws, principles and regulations, in keeping with the spirit of our time. Indeed, my delegation urges not only the immediate rejection or abandoning of these measures but an earnest effort on the part of the international community to forge a new dynamic in relations among States that will animate and define this new spirit of our time. In this regard, my delegation believes that the United Nations has a unique role to play.

The Acting President (*interpretation from French*): We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/53/L.7/Rev.1.

I shall now call on those representatives who wish to speak in explanation of vote before the voting.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Burleigh (United States of America): The United States opposes the draft resolution proposed by Libya under agenda item 51, entitled "Elimination of coercive economic measures as a means of political and economic compulsion". Member States should understand that this draft resolution is not about unilateralism, coercion, compulsion or extraterritoriality. This is an attempt by Libya to divert attention from its own non-compliance with terrorism-related sanctions and to shift the focus to those in the international community that seek to call States like Libya to account. The fact is that key sanctions on Libya are imposed by the United Nations. The Security Council reviews these sanctions every 120 days and will conduct the twentieth such review this week. After every review the Council has determined that conditions have not been met to lift sanctions.

The primary sponsor of this draft resolution has chosen not to respond positively to obligations imposed by international law, the United Nations Charter and the Security Council in several resolutions adopted under Chapter VII. It would be unfortunate to reward its intransigence with support of this draft resolution.

The use of sanctions as an effective and appropriate foreign policy tool by States, multilateral organizations and the United Nations itself is worthy of discussion. But when it is raised in a condemnatory way in a body such as the General Assembly of the United Nations by a State that does not respect Security Council resolutions, the subject is unworthy of the attention of Member States.

Every sovereign State has the right to decide with whom it will or will not trade. My Government regards economic sanctions as a legitimate instrument of foreign policy. The United States is by no means the only nation that resorts to such measures when necessary. In fact, applying the logic of paragraph 2 of the draft resolution, the international community would never have imposed economic sanctions against the Republic of South Africa to force it to end the apartheid regime or against what was then known as Rhodesia — what is now Zimbabwe.

When faced with unacceptable international behaviour, the United States resorts to unilateral economic action reluctantly. Whenever possible, we work with other members of the global community to devise a collective response to egregious behaviour that violates international norms or threatens international security, as we did in the face of Iraq's armed aggression against its neighbour, Kuwait. But the United States has responded and will continue to respond unilaterally when faced with policies and actions that pose unusual and extraordinary threats to its vital interests, including its security, such as State support for international terrorism, the proliferation of weapons of mass destruction and of ballistic missiles and massive human rights abuses. We do not take such action lightly. When forced to act, we make it clear what policies we want to see changed and what the target State must do to have sanctions lifted.

Our sanctions also seek to target the subject Government, while avoiding harm to vulnerable civilian populations. For example, while enforcing a complete trade embargo against the Democratic People's Republic of Korea, the United States is also one of the largest contributors of humanitarian assistance to that nation.

We should also note that imposing economic sanctions entails real economic sacrifice on the part of the United States. That the United States is willing to make such sacrifices indicates the great importance we place on the issues involved. In responding to rogue State behaviour, the United States is defending not only its own interests but the security of the international community as a whole.

Mr. Tanç (Turkey): Turkey will vote in favour of draft resolution A/53/L.7/Rev.1 to demonstrate its opposition in principle to the extraterritorial application of national legislation, which is not in accordance with the general principles of international law. Our vote simply reflects that consideration. Turkey's vote, however, should not be construed as an endorsement of any position or policy adopted or pursued by the country submitting the draft resolution.

Mr. Wrabetz (Austria): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia — and the associated country, Cyprus, as well as the European Free Trade Association countries members of the European Economic Area — Iceland, Liechtenstein and Norway — align themselves with this statement.

The European Union wishes to take this opportunity to emphasize its unequivocal rejection of attempts to apply national legislation on an extraterritorial basis contrary to international law. We have always rejected attempts by any country to coerce others into complying with unilateral commercial measures. We stress that binding sanctions can be imposed on States only by and under the authority of the Security Council in accordance with Article 41 of the United Nations Charter.

We wish to mention in this regard the legislation which provides for the application of legal sanctions to companies and individuals outside its national jurisdiction, including provisions designed to discourage third-country companies from trading with or investing in specific countries. Measures of this type violate the general principles of international law and the sovereignty of independent States.

We wish to reaffirm that the European Union's strong opposition, based both on law and on principle, to the imposition of secondary boycotts and legislation with extraterritorial effect and retroactivity remains unchanged; and we wish to state that the European Union has exercised its right to react as it deems appropriate to any extraterritorial measures which appear to contravene international law, and it will continue to do so.

We have made these points clear on several occasions during this session of the General Assembly. The European Union must, however, make a firm and unmistakable distinction between measures imposed unilaterally by individual States and those which are undertaken with the authority of the Security Council or otherwise justified under international law. Unfortunately, the text before us today fails to make this distinction. The European Union has accordingly concluded that it is unable to support the draft text and will abstain in the voting.

The Acting President *(interpretation from French)*: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/53/L.7/Rev.1.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Angola, Bahrain, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, United States of America

Abstaining:

Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Barbados, Belarus, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Uzbekistan

Draft resolution A/53/L.7/Rev.1 was adopted by 80 votes to 2, with 67 abstentions (resolution 53/10).

The Acting President *(interpretation from French)*: I shall now call on those representatives who wish to make statements in explanation of vote on the resolution just adopted. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Duval (Canada) *(interpretation from French)*: Canada abstained in the voting on draft resolution A/53/L.7/Rev.1. Canada has always been firmly opposed to extraterritorial measures aimed at limiting the freedom of trade and investment of third parties.

While the resolution we have just considered requires that unilateral extraterritorial laws imposing sanctions on third parties must be repealed, it fails to distinguish clearly between measures taken under the authority of the Security Council and in accordance with the Charter of the United Nations, and measures imposed unilaterally by States. Therefore, we have not been able to support the resolution.

Ms. Moglia (Argentina) *(interpretation from Spanish)*: Argentina abstained in the voting on the resolution just adopted because it takes the view that the application of economic sanctions should be approved by the pertinent United Nations organs and should be in conformity with the principles of the Charter.

Mr. Armitage (Australia): Australia draws a clear distinction between sanctions imposed unilaterally on other countries by individual States and those sanctions that are promulgated and implemented with the full authority of the Security Council. This resolution does not differentiate sufficiently between those two very different sets of circumstances. Furthermore, it contains other language which Australia considers problematic. In particular, its reference to the inalienable right of every State to choose the political, economic and social system that it deems most appropriate for the welfare of its people appears to undermine the universality of fundamental human rights.

For these reasons, Australia abstained in the voting on the resolution.

Mr. Hughes (New Zealand): New Zealand takes this opportunity to reiterate its long-standing opposition to national legislation that imposes unilateral sanctions that purport to have extraterritorial effect on third States.

The resolution just adopted, however, does not distinguish clearly between these unilateral sanctions and Security Council sanctions which are imposed legitimately under the United Nations Charter and which must be supported by all Member States.

For this reason, the New Zealand delegation abstained in the voting on the resolution.

Mr. Jordán Pando (Bolivia) (*interpretation from Spanish*): On behalf of my delegation, I wish to explain why Bolivia did not vote in favour of the resolution just adopted, but rather abstained, thus maintaining its position of 1996 in a case which has implications beyond those considered.

This does not mean that Bolivia does not condemn and reject any extraterritorial measures applied unilaterally, since they are a violation of international law.

We confirm our 1996 position and take the view that in this situation there are other considerations to be taken into account.

Mr. Ri Kwang Nam (Democratic People's Republic of Korea): My delegation supported the resolution entitled "Elimination of coercive measures as a means of political and economic compulsion" because of its position of principle that all unilateral coercive economic measures should be eliminated. In this regard, my delegation wants to clarify one point made by the United States a few moments ago. The representative of the United States should have expressed his country's apology for the unilateral coercive economic measures it has continuously imposed against our republic for the past 50 years, and should then have described a plan for repealing these measures.

My delegation was disappointed by his elusive remarks, and resolutely rejects his arguments. To us, power politics and coercive measures such as sanctions are senseless. The United States sanctions can only serve the purpose of jeopardizing peace and security on the Korean peninsula by inciting confrontation and hostility. We strongly urge that, instead of deceiving world public opinion and trying to rid itself of its responsibilities, the United States should immediately repeal all measures of economic sanctions.

The Acting President (*interpretation from French*): We have heard the last speaker in explanation of vote on this item.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 51?

It was so decided.

Reports of the Fifth Committee

The Acting President (*interpretation from French*): The General Assembly will now consider the reports of the Fifth Committee on agenda item 112, on agenda items 112 and 119 and on agenda item 143 (a).

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

It was so decided.

The Acting President (*interpretation from French*): Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Fifth Committee have been made in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401 the Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations too that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we

are going to proceed to take decisions in the same manner as was done in the Committee, unless the Secretariat is notified otherwise.

Agenda item 112

Review of the efficiency of the administrative and financial functioning of the United Nations

Report of the Fifth Committee (Part I) (A/53/521)

The Acting President (*interpretation from French*): The Assembly will take action on two draft decisions recommended by the Fifth Committee in paragraph 7 of its report (A/53/521).

We turn first to draft decision I, entitled "Activities of the Advisory Committee on Administrative and Budgetary Questions during the fifty-second session of the General Assembly". The Fifth Committee adopted draft decision I without a vote. May I take it that the Assembly wishes to do the same?

Draft decision I was adopted.

The Acting President (*interpretation from French*): Draft decision II, entitled "Administrative arrangements for the International Trade Centre UNCTAD/WTO", was adopted by the Fifth Committee without a vote. May I take it that the Assembly too wishes to adopt the draft decision?

Draft decision II was adopted.

The Acting President (*interpretation from French*): We have thus concluded this stage of our consideration of agenda item 112.

Agenda items 112 (*continued*) **and 119**

Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Report of the Fifth Committee (A/53/533)

The Acting President (*interpretation from French*): The General Assembly will now take action on the draft resolution recommended by the Fifth Committee in paragraph 7 of its report (A/53/533). The draft resolution, entitled "Gratis personnel provided by Governments and other entities", was adopted by the Fifth Committee without a vote. May I take it that the General Assembly wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 53/11).

The Acting President (*interpretation from French*): We have thus concluded this stage of our consideration of agenda items 112 and 119.

Agenda item 143

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

(a) Financing of the United Nations peacekeeping operations

Report of the Fifth Committee (A/53/522)

The Acting President (*interpretation from French*): The Assembly will take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of its report (A/53/522).

I call now on the representative of the United States, who wishes to speak in explanation of position before action is taken on the draft resolution.

Mr. Squadron (United States of America): When the General Assembly discussed the peacekeeping support account agenda item at the resumed fifty-second session last May, my delegation made it clear that the entire peacekeeping backstopping function needed a comprehensive review. This includes posts in the Department of Political Affairs and the Department of Management, as well as the Department of Peacekeeping Operations and other sections of the Secretariat. When the United States joined consensus in June on a compromise that established 400 posts for the support account and authorized $34.4 million for the year 1 July 1998 to 30 June 1999, we did so with the belief — a belief that was explicitly spelled out in the resolution — that the Secretariat would conduct its own review of the support account posts.

At the same time, the United States noted that in the past few years the support account submission by the Secretary-General has continued to increase, while the number, size and cost of peacekeeping operations have

declined dramatically. The Secretariat has also underspent by about $2 million annually what it has been authorized by the General Assembly to spend from the support account. The United States does not believe there is a linear, one-to-one relationship between the level of peacekeeping operations in the field and the level of backstopping required at Headquarters. However, it is illogical and unrealistic that a substantial decrease in the field would not have any impact at all on the needs at Headquarters.

The situation has not changed. The Secretariat did not present any new information to the Advisory Committee on Administrative and Budgetary Questions or the General Assembly for consideration at its fifty-third session. The United States again calls on the Secretary-General to engage in a comprehensive, post-by-post review of the peacekeeping support account in the context of his submission for the 1999-2000 support account year.

Turning to the present draft resolution, the United States believes that redeployment is a critical management tool that is essential to make the backstopping function at Headquarters more effective and efficient. The size of current peacekeeping operations, changes in work methods and the absence of start-ups or shut-downs of major missions make it essential that the Secretariat look closely at the distribution of posts and redeploy to match the needs. The General Assembly was told by representatives of the Secretariat — sceptically, I might add — that they would try to redeploy posts if instructed to do so by the General Assembly. It is not good enough for the Secretariat to try. It has been given a mandate by the General Assembly, and it must take a hard-nosed, critical look at its current and expected needs and readjust the staffing pattern accordingly.

The United States also calls on the Secretary-General, when filling the 400 support account posts that have again been authorized, to include within them those functions that he identified as critical to the backstopping function and requiring current military or civilian police expertise. The United States remains concerned that the transition between the gratis military personnel and their replacements, both civilians and seconded military and police officers, should take place seamlessly and with no gap in capability. The welfare of our peacekeepers is literally on the line. It would be unconscionable to endanger them because of a staffing gap.

The United States remains committed to the important work done by the peacekeepers of the United Nations. We stand ready to work with the Secretariat and other delegations to ensure that this work is done efficiently and effectively.

The Acting President (*interpretation from French*): The General Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of its report (A/53/522).

The Fifth Committee adopted the draft resolution, entitled "Support account for peacekeeping operations", without a vote.

May I take it that the General Assembly wishes to do likewise?

The draft resolution was adopted (resolution 53/12).

The Acting President (*interpretation from French*): I shall now call on those representatives who wish to make statements in explanation of position on the resolution just adopted.

Mr. Manz (Austria): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia — and the associated country, Cyprus, as well as the European Free Trade Association country member of the European Economic Area, Iceland, align themselves with this statement.

The resolution just adopted is of great importance to the European Union, since it has an immediate impact on the safety of peacekeeping troops in the field. Representing the largest group of troop-contributing countries, the European Union has been guided first and foremost in this debate by the principle of the need to protect the lives of personnel in the field. They must not be put at risk. Therefore, we acknowledge the need to staff the Department of Peacekeeping Operations and other departments involved in backstopping peacekeeping adequately, not least to ensure adequate planning capacity and the ability to react swiftly to meet new challenges.

The European Union acknowledges the importance of replacing the gratis military officers with properly qualified people for the smooth functioning of backstopping structures. It is vital that we do not lose the expertise built up through the loan of those experienced officers and those with whom they worked. Throughout these past months, the European Union has emphasized

the need for appropriate hand-over arrangements in order to ensure continuity.

It is unfortunate that the General Assembly once again had to spend so much time on this issue. While we regret that inadequate information was provided by the Secretariat throughout this long exercise and share the frustration of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in this context, we recognize the Secretariat's last-minute efforts in the Fifth Committee. We are particularly grateful to the fresh approach of the Military Adviser of the Secretary-General. He confirmed our view that military expertise must be preserved, and we trust that his expertise will be given due regard.

With regard to the number of posts we have given, it is perhaps of necessity arbitrary. This was inevitable given the lack of information available on which to base a more considered view.

The European Union accepted the ACABQ's recommendations. In order to reach consensus and meet the concerns of other delegations, we agreed to seven posts in addition to the 393 recommended by the Advisory Committee. Three of these have been allocated to the Rapidly Deployable Mission Headquarters (RDMHQ) and the Office of Internal Oversight Services. The remaining additionally approved posts should go to priority areas.

Again, the European Union is particularly concerned about the need for current seconded expertise. This resolution reaffirmed resolution 52/248, which requested the Secretary-General to ensure the required expertise of serving military officers and civilian police. In fact, if military expertise is substantially reduced the entire peacekeeping area of the United Nations is bound to suffer irreparable loss, with consequences for the safety and security of all the military and civilian personnel in the field. We also hope that seconded military expertise can eventually be extended to the RDMHQ, as requested by the Secretary-General and recognized by the ACABQ in paragraph 16 of its report contained in document A/53/418.

The European Union will look very closely at the next submission of the support account. In our view, this must inevitably reflect the significant restructuring of all departments dealing with peacekeeping backstopping, not just the Department of Peacekeeping Operations. With something like 70 fewer posts available to him, the Secretary-General must examine his real needs. We regard this decision as an opportunity for the Secretariat to reassess backstopping needs. It must act as an engine to promote restructuring. The European Union expects the Secretary-General to ensure that the necessary redeployment will take place as soon as possible and that he will report on the process of redeployment in the next support account report.

Out of principle, we have refrained from engaging in micro-management. This resolution gives the Secretariat an unusual degree of flexibility to carry out required changes, and we look forward to seeing an account of their implementation next year.

Mr. Kolby (Norway): Norway supported the resolution just adopted, and we welcome the fact that resources were found to finance two of the eight posts requested by the Secretary-General for the Rapidly Deployable Mission Headquarters. Norway has supported the establishment of the Rapidly Deployable Mission Headquarters since the idea was born and would also welcome seeing the six military posts financed, as requested by the Secretary-General and recognized by the Advisory Committee on Administrative and Budgetary Questions.

Norway shares the views expressed by the European Union regarding the replacement of the gratis military and police officers with qualified people and smooth and careful hand-over arrangements to secure continuity, while ensuring the required expertise of serving military officers and civilian police.

Mrs. Buergo Rodríguez (Cuba) (*interpretation from Spanish*): At the outset, my delegation wishes to thank the coordinator for this item, the representative of Australia, Mr. Miles Armitage, for the efforts he deployed throughout the negotiations in order to achieve the adoption by consensus of this resolution.

The item on which we have adopted this resolution has required a year of intensive work owing to the sensitivity of the issue and the political differences underlying it. We were also faced with a deplorable situation: the information provided on the item sometimes lacked coherence, precision and clarity. This undoubtedly gave rise to additional difficulties in the consideration of the reports, both in the Fifth Committee and in the Advisory Committee on Administrative and Budgetary Questions. Situations of this kind should not arise, and we trust that they will not recur.

The resolution we have adopted today reaffirms the decision taken by the Assembly last June to establish 400

support account-funded posts for the period from 1 July 1998 to 30 June 1999. It also requests the Secretary-General, when allocating those posts, to take into account the provisions contained in this resolution, particularly operative paragraphs 7 and 8. This means that only two civilian posts could be established for a rapidly deployable mission headquarters, not the eight originally asked for. We take note of the explanations given in this regard by the Secretariat in the Fifth Committee.

It emerged clearly from the negotiations that there is not yet any specific information that would truly justify that request. The Special Committee for Peacekeeping Operations itself still has doubts in this regard and has asked for more details about the differences in the functional responsibilities of the rapidly deployable mission headquarters and the Mission Planning Service.

My delegation looks forward with interest to the next report of the Secretary-General on the support account so that it can consider this matter as well as the question of the review of possible duplication and overlap between the Department of Peacekeeping Operations and the Department of Political Affairs. The latter was called for by the General Assembly in its resolutions 50/214 and 52/220, and once again in operative paragraph 10 of this resolution.

Finally, we should like to underscore the important fact that all of the objective needs of support activities for peacekeeping operations at Headquarters should be at the centre of the decision-making process on this item. This will require genuine political will, and not an attempt to impose positions that correspond to the political interests of certain Member States, which, far from working to the advantage of the Organization, continues to undermine its transparency and credibility.

The Acting President (*interpretation from French*): We have thus concluded this stage of our consideration of sub-item (a) of agenda item 143.

Programme of work

The President (*interpretation from Spanish*): I should like to draw the General Assembly's attention to document A/INF/53/3/Add.2, which covers the period from 26 October to 10 December and which was circulated to delegations on Friday, 23 October.

The lists of speakers for the items mentioned in document A/INF/53/3/Add.2 are now open. In due course the General Assembly will be informed of the dates for the consideration of other agenda items and of any additions or changes.

The meeting rose at 12.55 p.m.

United Nations A/53/PV.44

General Assembly
Fifty-third Session

Official Records

44th plenary meeting
Tuesday, 27 October 1998, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 10.15 a.m.

Agenda item 13

Report of the International Court of Justice

Report of the International Court of Justice (A/53/4)

The President (*interpretation from Spanish*): The Assembly will first consider the report of the International Court of Justice for the period 1 August 1997 to 31 July 1998, contained in document A/53/4. May I take it that the Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President (*interpretation from Spanish*): I call on Mr. Stephen Schwebel, President of the International Court of Justice.

Mr. Schwebel: It is an honour to speak to the General Assembly under the presidency of the Foreign Minister of Uruguay, Mr. Didier Opertti Badán, an international lawyer with a notable record of service to his country, to the Organization of American States and to the United Nations. We in the Court recall with the greatest respect and affection the two distinguished Uruguayan members of the Court, Enrique Armand Ugon and, more recently, Eduardo Jimenez de Aréchaga, who, like Mr. Opertti, served as a minister of Uruguay, and who was President of the Court.

In presenting to the General Assembly the annual report of the International Court of Justice, permit me initially to recall that this year the international community took an extraordinary step towards the creation of an International Criminal Court, a court to try individuals for grave, specified international crimes. When that Court is established, it will make its contribution to the development and application of more effective international law. It will join the family of international judicial bodies created in past decades and more recently, a family whose father is the World Court — the popular name for the Permanent Court of International Justice and the International Court of Justice — which has successfully operated for more than 70 years. This year is notable in the life of international courts for another reason as well, for it marks the first case before the International Tribunal for the Law of the Sea.

A measure of the achievement of the World Court is that today it is taken for granted that permanent international tribunals can function effectively. What was the untested ideal of the peace movement at the dawn of the twentieth century has become a reality at its sunset, insofar as it has been demonstrated and accepted that the World Court and other international tribunals can contribute significantly to the peaceful and just settlement of international disputes.

Yet the treasured ideal of the early peace movement — that international judicial settlement would be the substitute for war — has been shown to have been unrealistic. International judicial settlement does not

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This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

produce peace in the large; rather, it is peace that is conducive to the settlement of inevitable international disputes by international adjudication. In times of high tension, States avoid judicial recourse; in times of low international tension, States are more inclined to settle their disputes judicially. That, at any rate, may be one important reason why today the International Court of Justice is as busy as it and its predecessor have been since 1922.

Insofar as their jurisdiction does not duplicate that of pre-existing courts, the creation of specialized and regional international courts is to be welcomed. It reflects the vitality and complexity of international life. It evidences the understanding that the effectiveness of international law can be increased by equipping legal obligations with means of their determination and enforcement.

At the same time, the proliferation of international courts raises the question of the role of the International Court of Justice, and of problems proliferation may pose.

The Charter of the United Nations provides that the International Court of Justice shall be "the principal judicial organ of the United Nations". The Court has thus been endowed with a special, and the most senior, judicial position within the United Nations system. As domestic legal systems have a supreme court, the international community has its principal judicial organ. But the International Court of Justice is not — or at any rate is not now — a supreme court of appeal from other international judicial bodies, and still less a court of appeal from national courts.

While not acting as a court of appeal, the International Court of Justice has acted as the principal judicial organ of the United Nations in more than one way. First of all, the Court contributes to the peaceful settlement of international disputes in furtherance of the first purpose of the United Nations: "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes ... which might lead to a breach of the peace".

On occasion the Court may deal with disputes which, if unsettled, might lead to a breach of the peace. Indeed, the Court has dealt with cases which did lead to hostilities. Despite that fact, those disputes were submitted to the Court, sometimes by bilateral agreement, other times by unilateral application; and they were resolved without further hostilities and remain resolved to this day.

Thus, a primary way in which the Court performs as the principal judicial organ of the United Nations is as a factor and actor in the maintenance of international peace and security. Today the Court is integrated into the United Nations system of peaceful settlement of international disputes. The Court is no longer seen solely as "the last resort" in the resolution of disputes. Rather, States may have recourse to the Court in parallel with other methods of dispute resolution, appreciating that such recourse may complement the work of the Security Council and the General Assembly, as well as bilateral negotiations.

In this combined process of dispute resolution, judicial recourse has helped parties to a dispute to clarify their positions. Parties are led to reduce and transform their sometimes overstated political assertions into factual and legal claims. This process may moderate tensions and lead to a better and fuller understanding of opposing claims. The result is that, in some cases, political negotiations have resumed and succeeded before the Court rendered judgment. In other cases, the Court's decision has provided the parties with legal conclusions which they may use in framing further negotiations and in achieving settlement of the dispute.

There have been a number of examples of political and judicial resolution of disputes working in parallel. A striking instance was that of the territorial dispute between Libya and Chad, a dispute which over the years had erupted into warfare. With the assistance of the Organization of African Unity (OAU), Libya and Chad ultimately submitted the dispute to the Court. After the filing of massive pleadings and the hearing of extended oral argument, the Court determined the boundaries of these vast disputed territories. The Court's Judgment was applied by the parties, troops withdrew under the surveillance of the Security Council, and there has been peace on the border ever since.

The most recent such instance is the current case of the Land and Maritime Boundary between Cameroon and Nigeria. When armed incidents occurred between Cameroon and Nigeria in 1996 in the Bakassi peninsula, both the OAU and the Security Council were seized with the dispute. At the same time, one of the parties to the dispute brought it before the Court and requested it to indicate provisional measures — to order interim measures of protection or an interim injunction. As a result, both the Security Council, through a statement of its President, and the Court, in that Order indicating provisional measures, called on the parties to respect a ceasefire and to take the necessary steps to return their

forces to the positions that they had occupied before the outbreak of the fighting. This year the Court rendered a Judgment on preliminary objections raised by Nigeria, holding that it has jurisdiction to give judgment on the merits.

To turn to the second way in which the Court acts as the principal judicial organ of the United Nations — and of the world community as a whole — the Court is the most authoritative interpreter of the legal obligations of States in disputes between them. Indeed, this is its paramount function and antedates the establishment of the United Nations. This central role of the Court as the adjudicator of contentious differences between States represents over 70 years of achievement in settling international legal disputes.

In the third place, the Court, as the Organization's principal judicial organ, has acted as the supreme interpreter of the United Nations Charter and of associated instruments, such as the General Convention on Privileges and Immunities of the United Nations, which is now the focus of an advisory proceeding in progress in the Court. The Court has been the authoritative interpreter of the legal obligations of States under the Charter. This, the Court has done in a number of advisory and contentious proceedings.

In furtherance of the Charter's purposes and principles, the Court has progressively interpreted the Charter and so strengthened the United Nations and through it the international community as a whole. Thus, the Court affirmed the international personality of the United Nations, found that it has implied as well as express powers to accomplish its goals, determined that the assessments of the General Assembly bind Members to pay the apportioned amounts, and attributed to the General Assembly a normative role in the formation of international law. It has interpreted a voluntary abstention by a permanent member of the Security Council as not debarring adoption of a resolution. These well-known examples are illustrative, rather than exhaustive, of a number of such important holdings.

Challenging questions of the interpretation of the Charter are currently before the Court, including the boundaries between the powers of principal organs of the United Nations. The cases brought by Libya against the United Kingdom and the United States of America arising out of the Lockerbie atrocity raise issues of the relationship between Security Council resolutions adopted under Chapter VII of the Charter and the judicial role of the Court.

I said earlier that international adjudication is not the substitute for war and that peace conduces to international adjudication, rather than that international adjudication produces peace. Largely speaking, that is true. The Permanent Court of International Justice did not prevent and could not reasonably have been expected to prevent the Second World War. But, as noted, the International Court of Justice does work as a significant element in the peace-promoting machinery of the United Nations.

While the Court and other principal organs of the United Nations may work together, it is vital that the judicial independence of the Court be maintained. That is a matter of some delicacy. The Court is bound to give due weight to the powers, practice and positions of other United Nations organs and particular weight to decisions of the Security Council taken under Chapter VII of the Charter. But, in deciding on the law, the Court is and must remain free of the political influence of the United Nations, as it is bound to remain free of the political influence of any of its Members.

Finally, there is another characteristic that distinguishes the International Court of Justice from specialized and regional international tribunals. The Court is the only truly universal judicial body of general jurisdiction. Unlike specialized judicial and arbitral bodies, the Court enjoys comprehensive jurisdiction in inter-State disputes. Unlike bilateral or regional bodies, the Court is available to all States of the international community on all aspects of international law.

The Court's decisions, large and small, general and particular, may have an influence beyond the parties in dispute and beyond the issues in dispute. The Court has contributed to the growth of international law, to a universal system of international law. Over the years, the Court has interpreted, refined and advanced principles of international law that govern the whole of international society.

It is inevitable that other international tribunals will apply the law whose content has been influenced by the Court and that the Court will apply the law as it may be influenced by other international tribunals. At the same time, it is possible that various courts may arrive at different interpretations of the law. Proliferation risks conflict.

But the risk should not be exaggerated. While, in principle, there is a single system of international law, in practice there are various views on issues of the law, and

not only between international tribunals and among other authoritative interpreters of the law. There are differences within the International Court of Justice itself. That is marked not only by separate and dissenting opinions, but in adjustments of the holdings of the Court over the years.

In practice, international courts may be expected to demonstrate due respect for the opinions of other international courts. The International Court of Justice looks forward to working harmoniously with other international tribunals, but the fabric of international law and life is, it is believed, resilient enough to sustain such occasional differences as may arise.

Permit me now to turn to particular elements of the work of the Court. I do not wish to take the time to set out what is before the General Assembly in the report of the Court for the period from 1 August 1997 to 31 July 1998. But it should be recalled that, last year, General Assembly resolution 52/161 invited the Court to submit its comments and observations on the consequences that the increase in the volume of cases before the Court has on its operation.

The Court's response has been circulated as a document of the General Assembly (A/53/326). It points out that the entire *raison d'être* of the Court is to deal with the cases submitted to it by States and to deal with the requests for advisory opinions made by the United Nations and its specialized agencies. Those statutory duties mean that the Court does not have programmes which may be cut or expanded at will, unlike some other United Nations organs.

Since its establishment in 1946, the Court has dealt with 77 contentious cases and 23 requests for advisory opinions. While in the 1960s and 1970s the Court characteristically had a few cases at a time on its docket, from the early 1980s there has been a substantial increase. Today more than a dozen cases are pending. Moreover, as the Court's response to resolution 52/161 explains, in some cases there are cases within cases: requests for provisional measures, preliminary objections and counter-claims.

There is reason to surmise that this increase in recourse to the Court is likely to endure, at any rate if a state of relative détente in international relations endures. There are signs that States are acquiring a "law habit"; the more they submit their disputes to the Court, the more inclined they may be to do so.

It is noteworthy that, whereas a few decades ago most of the cases of the Court came from the older States, today Africa ranks high as a source of cases in the Court, and Eastern Europe, the Middle East and East Asia, as well as the Americas, Europe, and Australasia, have all brought cases before it. A diversity in the clientele of the Court that mirrors the diversity of the Court's composition is reassuring.

Moreover, the range of issues of the cases that come to the Court is remarkable. The International Court of Justice is a world Court not only in its origins and composition and not only in the diversity of the parties involved in cases before it, but in the variety of the questions on which it is called to adjudicate and render advisory opinions.

While the caseload of the Court has increased so significantly, it has not enjoyed a proportional growth in its resources. Today, the Court's total budget is of the order of $11 million a year, a smaller percentage of the budget of the Organization than in 1946. This has resulted in a growing gap between the conclusion of the written and the opening of the oral phase of a case — a gap caused by the backlog in the work of the Court. It is trite but true to say that justice delayed may be justice denied. Undue delay may also discourage States from resorting to the Court.

At the same time, the Court has responded quickly when the situation so demands. Last April, it unanimously adopted an order of provisional measures in the case concerning the *Vienna Convention on Consular Relations*, brought by Paraguay against the United States, within five working days of the receipt of the application.

Inadequacy of resources is one cause of delay when there is delay. The pace of the work of the Court is dependent on the pace of the processes of translation between the Court's official languages, French and English. That pace is directly affected by the number of translation staff permanently employed in The Hague; currently the whole permanent language staff consists of just four people. It is also directly affected by the amount of funds in the Court's budget for engaging short-term translation and interpretation services — services which are required if the Court is to function with such a tiny permanent staff.

The publication of the reports, and particularly of the pleadings, of the Court is also constricted by the tiny size of the Court's permanent publications staff: two people in all, because we have no funds for temporary staff in the publications department. Funds for the publication of the

volumes of the pleadings and reports cannot be used to engage short-term staff to prepare publications for printing, but only for printing itself.

The members of the Court themselves are understaffed. Several share a secretary; none enjoys the services of a clerk or research assistant, unlike many national and international courts, including the International Tribunals for the prosecution of war crimes in the former Yugoslavia and in Rwanda.

The problems of the pace of the work of the Court, however, are not only those of a shortage of staff and funds. There are steps that the Court can take within the constraints of current resources to accelerate and publicize its proceedings. And as the response to General Assembly resolution 52/161 shows, it has taken initiatives to that end. For example, it is experimenting with the omission of the preparation and translation of notes of judges in certain cases concerning preliminary objections to jurisdiction and admissibility, a step which saves time and money. It has asked parties to cases to attach only strictly needed annexes to their pleadings and to supply available translations of them. It has set up a remarkably successful Web site on which the Court's daily work can be followed. The Web site transmits over the Internet written and oral pleadings and the judgment as soon as it is rendered.

But if this principal organ of the United Nations is to function with full effectiveness and dispatch, and if the Court is to fulfil its potential as the Organization's principal judicial organ, then it must be afforded the resources to work as intensively and expeditiously as burgeoning international recourse to the Court demands. Those resources will be effectively employed, in conformity with the principles of justice and international law, to promote the settlement of international disputes and thus further the first purpose of the United Nations.

I am grateful for the attention and consideration of the Assembly.

Mr. Rebagliati (Argentina) (*interpretation from Spanish*): Allow me first of all to express my great satisfaction and pride, Sir, in addressing the Assembly under your presidency. As Judge Schwebel expressed it, you, Sir, are one of the group of great jurists, such as Armand Ugon and Jiménez de Aréchaga, that Uruguay has given to the world and to the inter-American system.

Argentina wishes once again to associate itself with those delegations that have expressed and are expressing their satisfaction with the work that the International Court of Justice is doing in interpreting and applying international law. In this respect, I am very pleased to convey to President Stephen Schwebel our respect and esteem, and I would ask him to convey these sentiments to the other Judges.

It is not our intention to review all the cases now before the Court for consideration but simply to recall that those cases cover matters ranging from the law of the sea to the implementation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as well as interpretation of the 1963 Vienna Convention on Consular Relations and the 1946 Convention on the Privileges and Immunities of the United Nations. Allow me, however, to draw attention to certain aspects that we regard as particularly significant.

In this regard, the Argentine delegation wishes to refer to the recent Judgment of the Court in the case of the *Land and Maritime Boundary between Cameroon and Nigeria*. That Judgment develops and updates the principles enshrined in international law for the resolution of boundary and territorial issues, such as *uti possidetis juris*, a principle that emanates from Latin America.

We anticipate that the interpretation that the International Court of Justice will give of the international Convention on the Prevention and Punishment of the Crime of Genocide will be particularly noteworthy. Its jurisprudence will be extremely useful in determining the boundary between State responsibility and individual criminal responsibility, all the more so at a time when international suppression of crimes against humanity is being enshrined as a new principle of the law of peoples.

Argentina is also following with particular interest the case of North-west Atlantic fisheries.

This array of issues, which does not exhaust the list of matters before the Court, clearly attests to the fact that the Court is the forum where the most complex and significant issues of international law are being analysed in specific detail.

The Argentine Republic is a State with a deep-rooted legal tradition that has always characterized its diplomatic history. For this reason, it never feels remote from, or uninterested in, the activities and the future of the International Court of Justice. Consequently, it is bound to feel profound satisfaction at the Court's efforts to

improve and rationalize the way in which it carries out its judicial activities.

Particularly noteworthy are the recent measures taken to avoid unduly protracted cases. To this end, there has been a limitation on the presentation of notes by Judges on the merits of the case. This procedure has been eliminated in the case of preliminary objections. Steps have also been taken to regulate the activities of parties in the written and oral phases of the proceedings. Among other measures I wish to mention are the limitation on the number of annexes in the written phase and the recommendation that matters already dealt with in the memorials and counter-memorials should not be repeated in the oral hearings.

International relations are increasingly marked by a growing legal dimension. Consequently, juridical methods of settling disputes and the organs designed to apply them have grown both in number and in terms of the volume of matters they address. Nonetheless, the International Court of Justice is, and will continue to be, the central point of reference for the international community in the area of interpretation and application of the law of nations. This is due to the already enshrined jurisprudential doctrine of the Court as well as to the record, experience and high-mindedness of its Judges. The 77 contentious cases and the 23 requests for advisory opinions that have been considered by the Court, and the doctrine derived from them, constitute resounding proof of this.

In recent times, the international community has witnessed significant changes in the way in which the Court is organized and operates. Similarly, in some spheres, such as international economic law, integration or international criminal economic law, there is a growing trend towards progressive development. However, all these norms remain part of international law, which incorporates long-standing rules and principles that should constantly be kept in mind as a fundamental element for the interpretation and application. In this respect, the work of the International Court of Justice is fundamental in setting the basic criteria that should be followed.

The Argentine delegation is confident about the renewed importance that international law will acquire as an organizing and guiding factor in international relations. For this reason, the International Court of Justice, the principal juridical manifestation of that legal order, will in the future face more intensive and complex work. We are certain that the Court will be equal to the task of responding to these demands.

Before concluding, I cannot fail to refer to an event of far-reaching importance in our Latin American region in the area of dispute settlement. It is in this regard that I express Argentina's profound satisfaction, as one of the four guarantors receiving a request for assistance from Ecuador and Peru, that the agreement signed yesterday between those two States put an end to the boundary dispute between them.

Mr. Babar (Pakistan): I would like at the outset to thank the President of the International Court of Justice, Judge Stephen M. Schwebel, for introducing the annual report of the Court to the General Assembly this morning.

The International Court of Justice is the principal judicial organ of the United Nations. The jurisdiction of the Court comprises all cases which parties refer to it and all matters especially provided for in the Charter or in treaties and conventions in force. The 10 contentious cases that were before the Court during the period under review reflected the indispensable role of the Court in helping Member States to overcome their disputes.

The Court made two important judgments this year, in February, in the cases submitted by Libya under the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. In the Court's opinion, it had the necessary jurisdiction to deal with the merits of the two cases, because a single legal dispute of a general nature existed between the parties due to differences on whether or not the tragic destruction of the Pan Am aircraft was governed by the Montreal Convention. There were also deep differences on the interpretation and application of article 7 of the Convention, relating to the place of prosecution, and of article 11 of the Convention, relating to assistance in connection with the criminal proceedings. The Court's judgments also established that Security Council resolutions 748 (1992) and 788 (1993) did not preclude the admissibility of the cases because the State party concerned had filed its application prior to the adoption of those resolutions.

Following the two judgments, Member States, in a debate in the Security Council on 20 March 1998, raised important questions relating to the sanctions imposed on Libya. The views of States ranged from demands to lift sanctions to expressions of the need for the Security Council to examine objectively, dispassionately and comprehensively the implications of the Court's judgments. The Security Council was requested to give serious consideration to the question of whether the

sanctions it had imposed in 1992 on a State party to the Montreal Convention were still required. It was suggested that the Security Council should reconsider whether it could remain seized of the issue, which was *sub judice* in the Court.

For its part, Pakistan suggested that in accordance with the Court's judgments, the parties to the disputes should take recourse to the legal framework provided by the Montreal Convention and extend their full cooperation to the Court in deciding the case on merit. The judgments of the Court provide a viable way to address this issue. Pakistan appreciates the process that is now under way to resolve that dispute and to lift the sanctions imposed on Libya.

On a separate question, the Court this year has conveyed its views, as contained in document A/53/326, on the difficulties it faces, due to budgetary constraints, in coping with an increased workload. We fully endorse the Court's recommendation for an increase in the allocation of financial resources to enable it to fully carry out its responsibilities.

In conclusion, I would like to reiterate our hope that the two decisions of the International Court of Justice of earlier this year in the cases regarding the tragic destruction of the Pan Am aircraft will lead to an amicable resolution of the issue.

Mr. Shamsudin (Malaysia): My delegation takes this opportunity to express warm appreciation to Judge Stephen M. Schwebel for his lucid introduction of the report of the Court contained in document A/53/4. The report and its annexes contain a comprehensive account of issues pertaining to the Court. After having perused the report, my delegation would like to concentrate its brief comments on an issue that in our estimation is of prime importance, that is the workload of the Court relative to its resources.

My delegation notes with interest the disclosure in the report that the number of countries that have made a declaration recognizing as compulsory the jurisdiction of the Court as contemplated by Article 36, paragraphs 2 and 5, of the Statue remains at 60. This in itself is a positive element, and if that number is maintained or increased, it augurs well for the Court as a dispute-settling mechanism. However, this optimism has to be tempered by the fact that the workload of the Court has steadily and relentlessly increased over recent years. The Court does not determine its workload, nor has it any influence over it as more and more cases and issues are brought before it.

However, it is very disquieting that while the workload has increased there has not been a corresponding increase in the Court's budgetary resources. Even though the report notes that the number of cases pending before the Court went up for the current year from 9 to 10, my delegation is well aware that in reality there is an even larger number of matters awaiting the Court's decision, as there are often cases within cases to determine questions of jurisdiction and admissibility. In his oral report today, the President of the Court told the Assembly that more than a dozen cases were still pending. The non-restoration of lost posts and budgetary cuts in 1996 have had a compounding effect on the problems facing the Court. We note that the Registry of the Court is being stretched to its limits by demands for its research, legal, library, documentation, translation and secretarial services.

My delegation takes note of the response of the Court to the double challenge of an increased workload and an insufficiency of resources. While there has been definite and often desperate action on the part of the Court to cut its coat according to the cloth given to it, this has the proverbial propensity to cause undue hardship to the tailor. We commend the Court for having set up a Subcommittee on Rationalization to examine the work methods in the Registry, and for having implemented its report, which contained recommendations on work methods, management questions and the organizational setup of the Registry.

In re-examining its work methods, the Court noted certain practices of parties to disputes before it, including the excessive tendency towards the proliferation and protraction of annexes to written pleadings. In this context, my delegation takes careful note of the Court's advice and guidance contained in annex II of its report that it will, by virtue of Article 56 of the Rules of Court, more readily accept the production of additional documents during the period beginning with the close of the written proceedings and ending one month before the opening of the oral proceedings. Similarly, we take note of the Court's reminder to the parties of the fact that according to Article 60, paragraph 1, of the Rules of Court, oral statements made on behalf of each party shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that party's contentions at the hearing.

The efforts of the Court to improve, through lectures and visits, public understanding of the judicial settlement of international disputes, the jurisdiction of the Court and

its function in contentious and advisory cases are indeed commendable. However, we would caution that such activities not impinge upon the Court's valuable time and scarce resources.

In its intervention on this agenda item last year, my delegation expressed strong support for the steps taken by the Court to take advantage of the benefits provided by electronic media. We are therefore gratified to note that, in the modern age of advanced information technology, the Court has kept abreast by increasingly utilizing computers, particularly electronic mail, the Internet and its intranet. The Court's Web site is not only popular, but well used. Computer literacy cannot be overstressed; in fact, it is now viewed as a necessity. My delegation is confident that the continued use of computer technology by the Court will enhance its operational efficiency even further.

My delegation realizes that despite all the measures taken by the Court, cost-saving or otherwise, there are limitations to what can be realistically achieved. We therefore wish to express concern that at this time when there is a substantial increase in recourse to the Court by States and international organizations, the Court's resources are so severely limited that it has to operate under severe financial constraints unbefitting the principal judicial organ of the United Nations. The status of the Court and its capacity to act have to be maintained to enable it to respond to all requests before it. The Court has to be accorded its due. It would be very regrettable indeed if the Court's status and efficiency were compromised by these factors which are not only clearly beyond its control, but are also not of its own doing.

In conclusion, my delegation would like to state its concern that unless the problems facing the Court are satisfactorily addressed, the dispute-settling mechanism offered by the Court will lose its credibility. This, in my delegation's view, would have serious political and legal consequences. My delegation therefore calls upon the General Assembly to give serious consideration to the Court's needs and the very reasonable requests made in its report so as to restore to its rightful position the only court known as the World Court.

Mr. Babaa (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The comprehensive report of the International Court of Justice (A/53/4) before us today enables us to judge the important role played within the United Nations by that main judicial body, created at the time of the establishment of the United Nations. It has the responsibility to settle inter-State disputes peaceably and to hand down advisory opinions on what is requested of it by the main organs of the United Nations and by the specialized agencies, thus bolstering the primacy of the rule of law and the promotion of justice to which we all aspire.

The report of the Court attests to the fact that since its creation in 1946 it has had to consider 76 disputes among States and has met 22 requests for advisory opinions, and we note from the report a noteworthy increase since the beginning of the 1980s. This indicates increased confidence on the part of States with disputes in their resort to the Court to settle such disputes peaceably, as well as the Court's role in the attainment of such settlements. This also indicates the heightened importance of the Court's advisory opinions in the preservation of peace and the maintenance of international peace and security.

My country is committed to the role of the International Court of Justice to settle inter-State disputes peaceably. During the last two decades, Libya has resorted to the Court to settle disputes with neighbouring countries and has fully submitted itself to the judgments of the Court, in accordance with the provisions of international law and the Charter of the United Nations.

During the period covered by the report, the Court considered, among other issues, the request made to it by my country on 3 March 1992 on settling the question of Lockerbie. In this regard we have taken into account the fact that the Court has the judicial responsibility for that question pursuant to the implementation of the 1971 Montreal Convention. In the two judgments rendered on 27 February 1998 in this regard the Court declared its competency to consider the dispute and rejected requests by the United Kingdom and the United States, thereby demonstrating that the question of Lockerbie is a judicial dispute over which the Court has jurisdiction and underscoring the need for all parties to commit themselves to respect its judgments. This also meant that the sanctions which have been imposed against the Libyan people without any legal basis for more than six years, and which have resulted in billions of dollars in damages and caused harm to the neighbouring countries and others, should be lifted forthwith, until the Court rules on this matter.

The Court's credibility in the eyes of the international community would be enhanced through its handling of the issues entrusted to it neutrally, objectively and independently. Its decisions on the question of

Lockerbie have appropriately enhanced the confidence of the international community in it. These decisions affirmed those taken by regional and international organizations aiming at finding a just solution to the issue. The decisions also help the truth to emerge and the interests of all parties to be preserved.

Such decisions by the Court will have a salutary effect with regard to encouraging States which have disputes to resort to the Court in order to settle them peaceably. The report of the Court refers to an increase in the Court's workload, both by virtue of the greater number of cases submitted to it and because of the financial and human resources problems that it faces. This is due to the Court's meagre budget, which has not enabled it to discharge its present workload and to carry out its responsibilities in an optimal manner. In this connection, my delegation believes in the necessity of solving these problems and in making the requisite financial allocations available to the Court to enable it to carry out the tasks entrusted to it by the Charter and its Statute at all times.

Mr. Tello (Mexico) (*interpretation from Spanish*): It is an honour for me, as it is each year, to speak on behalf of Mexico during the consideration of the report of the highest judicial organ of our Organization. We continue to believe that this event represents a good opportunity to build closer links of support and cooperation with the Court.

Allow me first of all to convey our gratitude to Judge Stephen Schwebel, the President of the Court, for introducing the report on the work of the Court for the period from 1 August 1997 to 31 July 1998. We are particularly grateful to him for his clear and focused remarks.

The report before us for consideration this year is particularly substantive. We note with deep satisfaction the intensive judicial activities of the Court and the fact that States are turning to it with increasing frequency in order to resolve their differences. Having said this, we feel bound to mention our concern at the fact that the increase in the number of cases is beginning to affect the Court's operation.

In response to the concerns expressed by the Court on earlier occasions, Mexico, in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, advocated the inclusion of an item entitled "Consequences that the increase in the volume of cases before the International Court of Justice have on the operation of the Court". The purpose of the item is to identify, in a context in which the volume of cases seems to be steadily growing, practical ways of bolstering the Court that will not undermine its authority or its independence, or have any implications for its Statute or for the Charter of the United Nations.

Upon the recommendation of the Committee, the General Assembly invited States and the Court to submit written comments on the item. We are particularly grateful to the Court for having responded to that invitation by providing us with facts that we are certain will be taken duly into account and will enable us to arrive at productive results in our consideration of this item. The Sixth Committee has transmitted the comments received from the Court concerning its needs to the Advisory Committee on Administrative and Budgetary Questions, and we trust that they will be taken duly into account in the course of the discussion of the budget to be allocated to the Court.

Mexico is convinced that, as the principal judicial organ of the United Nations, the Court must be able to count on the necessary resources in order to be able to handle the cases brought before it. Undue delay may undermine the effectiveness of judicial means of conflict settlement and even the achievement of the goals of the United Nations, such as that of the peaceful settlement of disputes and the maintenance of peace.

We are grateful to the Court for the measures it has taken to streamline its Secretariat, to make use of electronic methods and to simplify its proceedings. We are certain that it will continue to make use of all the means available to it so as to clear the cases before it for consideration more expeditiously.

We believe also that the time has come for States to lend it greater support, not only in the form of financial resources but also by endeavouring to reduce the length of written and oral proceedings in cases in which they are parties. The measures listed on page 92 of the Court's report are simply a token of what States could do in this regard, and we believe that other measures could be applied on a voluntary basis. We look forward with interest to the consideration of this issue by the Special Committee on the Charter in 1999.

We note that in recent years the number of countries that recognize the mandatory jurisdiction of the Court has remained unchanged. Although this has not affected the Court's judicial activities, we believe that it would be

desirable at the end of the twentieth century to see a substantial increase in the number of declarations of recognition of its jurisdiction. We therefore urge all States that have not yet done so to consider making use of the mechanism provided for in Article 36, paragraph 2, of the Court's Statute.

We would also underscore the need for the parties involved in a particular case to comply with any and all of the Court's decisions in a timely fashion and in good faith so as to ensure the integrity and the proper completion of the process.

Very much bound up with the financial situation of the Court is the situation regarding its publications. We regret the fact that owing to a lack of resources there is a backlog in the publication of the Court's *Reports of Judgments, Advisory Opinions and Orders* and also of its *Pleadings, Oral Arguments, Documents*. While electronic distribution of these documents is a step in the right direction, the lack of printed editions makes the work of disseminating these publications difficult in places in which electronic methods are not readily accessible.

Before concluding, and although this is something that is not directly linked with the item now being discussed, I feel duty-bound, as a Mexican and as a Latin American, to express our particular gratification at learning yesterday of the solution that has been found to the long-standing dispute between Ecuador and Peru. We wish explicitly to place on record our satisfaction at the triumph of dialogue and negotiation, which clearly attests to the strong legal traditions of our continent.

Mr. Pérez-Otermin (Uruguay) (*interpretation from Spanish*): My delegation would like to discuss the report of the International Court of Justice contained in document A/53/4. As is well known, Uruguay has paid and continues to pay particular attention to the work of the International Court of Justice. Some years ago our country was honoured to be able to contribute to the Court the services of two eminent jurists, Mr. Armand Ugon and Mr. Eduardo Jiménez de Aréchaga.

As one of the founding Members of the United Nations, from the outset we accepted the jurisdiction of the world's principal judicial organ and recognized its Statute as an integral part of the Charter of the Organization. This recognition is simply the reaffirmation of the primacy of international law and our devotion and dedication to the maintenance of peace through the rule of law. These are pillars of our Republic's foreign policy. For this reason, we recognize the Court's mandatory jurisdiction, and we have incorporated it into various international instruments to which we are a party.

In taking note of this year's report, we wish to express special thanks to the President of the Court, Mr. Stephen Schwebel, to its members and to the Secretariat for the detailed review of activities that the report provides us. Studying it as a whole, we see that the report reaffirms the tremendous importance of the Court for all States, many of which bring a great range of issues before the Court for its consideration and elucidation. These include boundary disputes and issues fundamentally linked to the interpretation and application of legal norms.

We would like to make particular mention of the report (A/53/326) submitted pursuant to the request made in resolution 52/161 that the Court evaluate the consequences that the increase in the volume of cases before the Court has on its operation. In our view, this important initiative, first put forward by the Mexican delegation, seeks to preserve the autonomy and authority of the Court through the rationalization of its work and the optimization of its use of human and material resources. Changes in the expenditure policies of the Organization cannot be allowed to compromise the legal work of the Court. The measures that the Court itself reports it has taken in the areas of rationalizing the Secretariat, computerizing its functions and simplifying its working procedures demonstrate its constant concern to fully meet its commitments.

We are prepared to work together with delegations so as to provide the Court with a budget equal to the importance of its work. We recognize the validity of the Court's arguments that the special Tribunals established by the United Nations have been given markedly larger budgets than has the Court. We believe that the International Court of Justice must be given a budget consistent with the high level of respect in which it is held by the international community and the lofty responsibilities it bears. We hope that this view will be accepted by the Organization.

Although the specific issue before us is the report of the International Court of Justice, it is nonetheless true that this issue falls under the rubric of the maintenance of peace, in particular the quest for peace through peaceful means. In this regard, allow me to express my Government's satisfaction, as well as my own, at the historic event that took place yesterday, when two fraternal countries of the region — Ecuador and Peru —

achieved the objective of peace by means of dialogue, bringing to an end a long-standing boundary dispute that was affecting not only those two States but the whole region. With this historic event these two States have once again demonstrated how beneficial it is to settle a dispute by peaceful means rather than by resorting to force.

As the President of my country, Julio Maria Sanguinetti, has expressed in this regard:

> "While winning a war represents success to the soldier, a statesman succeeds by winning peace."

We have no doubt that both President Jamil Mahuad Witt of Ecuador and President Alberto Fujimori of Peru have proved themselves statesmen, since both of them, through dialogue, have won peace — not only between two countries, but for the whole region. The Government of Uruguay salutes and congratulates them.

Mr. Lavalle-Valdés (Guatemala) (*interpretation from Spanish*): My delegation is extremely grateful to the President of the International Court of Justice, Mr. Stephen M. Schwebel, for having temporarily set aside the pressing responsibilities of his lofty position to come to this bustling city to introduce the report of the Court, and for having performed his task with his customary brilliance.

A cursory review of the reports we have received from the Court in recent years is enough for anyone with the least knowledge of the institution to be impressed with the volume of work with which it has been faced. Anyone who considers the work of the Court, who is familiar with the difficulties of international law and who appreciates the scarcity of the Court's resources, the complexities involved in the elaboration and adoption of its substantive decisions and the delicate nature of the problems that can arise even in the minutiae of the Court's daily work — such a person feels not only surprise but also amazement and admiration.

If we look at the results of all these endeavours, we cannot but be impressed by the value of the Court's contribution to concord among nations, as well by the development and enrichment of international law that we owe to that institution. Almost all the judgments of the Court have been complied with by the parties, and I do not believe that there is a single judgment or advisory opinion of the Court that has not made some contribution to international law. At the same time, as we all know, quite a few of the Court's judgments and opinions may be described without exaggeration as having far-reaching significance. Among these it is worth mentioning the famous judgment in favour of Guatemala, which was the defendant in the case. The institution has thus followed in the footsteps of its predecessor, the venerable Permanent Court of International Justice, of which the present Court is not so much a successor as a continuation.

A glance at the set of cases now before the Court also amazes us, for they cover a very wide range. Among the subjects that are or may be involved are questions as varied as the scope of the functional immunity of international agents, the possible liability of a State for physical damage caused by its armed forces, certain very sensitive aspects of the constitutional law of the United Nations, the application of classical provisions of one of the conventions against terrorism, fundamental rules of humanitarian law, land and maritime boundaries between States, a sensitive aspect of the consular function, the non-navigational uses of watercourses, questions relating to international environmental law and a very important aspect of the law of the sea, namely, high seas fisheries.

If we take a subjective approach and focus our attention on the identity of the States that are parties to the cases before the Court, we see that those 18 States come from all the geographical groups to which the Members of the United Nations belong.

According to certain sociologists of law, the full use of a society's judicial organs indicates a healthy society. For this reason we believe that, although the international community is very far from being free of problems, the fact that the Court has its hands full is reason for optimism. In this respect, we are pleased that the President of the Court today predicted that the Court would not fall back into relative idleness.

Guatemala has taken two specific initiatives with respect to the Court. One of these, an extremely long-term one, is a proposal that we presented — and we were honoured by Costa Rica's support in this — in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That proposal, submitted in 1997, was aimed at extending the Court's jurisdiction over contentious cases to all legal disputes that may arise between States parties to the Statute and intergovernmental organizations. This was one of the various possible reforms of the Court on which Members of the United Nations were consulted in 1971. Sixteen countries, among them Guatemala, indicated at that time that they were in favour of that possible reform, which has also been the subject of largely favourable commentary in legal literature. It should be noted that the

specialists in international law that have spoken out in favour of the reform include one member and one late former member of the Court.

Of course, I cannot refer to Guatemala's initiative in this regard without recalling that, for the first time in history, the Court soon will have to resolve, by advisory means but with binding effect on the parties, a dispute between a State and an intergovernmental organization, which happens to be the most important of all organizations of its kind: the United Nations. The Economic and Social Council asked the Court to settle, by an advisory opinion with respect to the second sentence of section 30 of the Convention on the Privileges and Immunities of the United Nations, a dispute between the Organization and a Member State concerning the interpretation and application of that Convention. This will be the first time that this provision, which establishes the curious mechanism of the binding advisory opinion, has been applied. This mechanism is of course useful, but, apart from presenting the anomalies pointed out by Roberto Ago, it applies solely to disputes relating to the Convention in question and to matters regarding specialized agencies.

The second, and more recent, initiative by Guatemala concerning the Court is, of course, an infinitely more modest one than the first; but it does, on the other hand, have immediate practical interest. This initiative relates to the two annexes to the report before us, which contain the response of the Court to a resolution adopted by the General Assembly last year requesting the Court to submit comments on the consequences of the growth of its workload. The response of the Court has already been considered by the Sixth Committee in the context of the agenda item on the report of the Special Committee to which I referred earlier. Since the response is also of interest to the Fifth Committee, Guatemala proposed that the Sixth Committee transmit it to the Fifth Committee. Yesterday we were pleased to see the adoption of that proposal by the Sixth Committee. We hope that the referral of the Court's concerns to the Fifth Committee will be of some help in underscoring and better focusing upon the seriousness of the problems that the Court faces, as well as the need to find a remedy to these difficulties in the very near future.

My delegation very enthusiastically associates itself with the satisfaction expressed by previous speakers relating to the settlement achieved yesterday to the conflict that for so long divided Ecuador and Peru.

Lastly, my delegation reaffirms Guatemala's steadfast support for the admirable and valuable work of the Court.

Mr. Valencia Rodríguez (Ecuador) (*interpretation from Spanish*): The delegation of Ecuador has paid particular attention to the report of the International Court of Justice, and we take the view that that principal legal organ of the United Nations is effectively fulfilling its lofty responsibilities.

I am grateful for the introduction made by its President, Judge Stephen Schwebel. It can be seen that the Court now has a number of cases under consideration, which demonstrates that it enjoys the confidence of States parties. Indeed, judicial recourse, one of the means of peaceful settlement of disputes, should always be encouraged in order to demonstrate that, as the Charter states, any legal problem should preferably be resolved in this way.

I wish in particular to underscore the importance that the judgments of the Court hold for the progressive development of international law. Indeed, we believe that the doctrine emanating from the case of *Maritime Delimitation and Territorial Questions between Qatar and Bahrain* will be of particular significance for the implementation of the United Nations Convention on the Law of the Sea.

We also feel that the case of Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie will present possibilities for finding agreement on this issue that is of such concern to the international community.

With regard to administrative matters, it can be seen that the Court now has a significant increase in its workload. For this reason, its financial resources are inadequate. The report speaks of certain limitations that impede the good functioning of the organ. We believe that this issue should be given special consideration by the General Assembly so as to provide the Court with the resources it vitally needs in order to perform its functions.

The supreme purpose of the Court is to promote and consolidate peace. In this context, I would refer to the important ideas that have been raised in this Hall by a number of delegations concerning the signing, yesterday in Brasilia, by the Presidents of Ecuador and Peru of documents putting a final end to the territorial problem

between their two countries. I wish to express my thanks for those ideas. Many heads of State and Government, political leaders, academics and representatives of the media have sent us messages of congratulation.

The signing has in effect ended a confrontation that long kept the two countries apart. The Brasília document affirms that,

> "on the basis of their common roots, both nations can now turn to a promising future of cooperation and mutual benefit".

This is the time for us to look with optimism and hope towards a future of cooperation and harmony between Ecuador and Peru that will also help to strengthen peace and security in Latin America. This is not the time to focus on the past, rehashing positions that have already been reconciled or mired in rancour that ought to be forever dispelled. This is the time for us to speak out for peace, which has been achieved with great difficulty and arduous efforts.

The President (*interpretation from Spanish*): The presidency of the General Assembly wishes to join in the expressions of congratulation and rejoicing at the news of the signing yesterday of the agreement between Ecuador and Peru, which has definitively ended the territorial dispute between them.

At the same time, the presidency congratulates the Governments of Ecuador and Peru for their spirit of dialogue and commends the efficient and important work of the Governments of the guarantor countries — Argentina, Brazil, Chile and the United States — which contributed to this solution.

The President (*interpretation from Spanish*): May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 24

Implementation of the United Nations New Agenda for the Development of Africa in the 1990s, including measures and recommendations agreed upon at its mid-term review

Progress report of the Secretary-General (A/53/390 and Add.1)

Mr. Sucharipa (Austria): I have the honour to speak on behalf of the European Union (EU). In addition, the Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated country Cyprus align themselves with this statement.

The European Union welcomes the progress report of the Secretary-General on the implementation of the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF), which should be considered in conjunction with the recommendations put forward by the Secretary-General in his report on the causes of conflict and the promotion of durable peace and sustainable development in Africa. The European Union is actively participating in the follow-up to the Secretary-General's report and sees today's discussion as an integral part of this endeavour. The European Union, in this regard, commends the decision of the Economic and Social Council to aim at harmonizing the ongoing international initiatives at its next coordination segment and to examine the institutional framework for African development within the United Nations system.

Last year's *Human Development Report* indicated the main causes of poverty in Africa, affecting about 45 per cent of the population in sub-Saharan Africa: economic stagnation and slow employment growth; increasing income disparities; the lack of pro-poor economic growth; marginalization from global trade and financial flows; high fertility and the spread of HIV/AIDS; the degradation of natural resources; and the consequences of violent conflict, including increased displacement of people and violations of human rights. These are the issues we need to continue to address within the United Nations system, within regional efforts and at the country level.

Despite the fact that growth rates in sub-Saharan Africa have been relatively high in recent years and that African countries are increasingly putting in place sound macroeconomic policies, most African countries have not been able to benefit significantly from globalization. At the same time, African economies continue to depend largely on the export of commodities for their development. The recent fall in commodity prices represents a decline in the income of primary commodity producers, which has a significant effect on fiscal and

trade balance in a number of African countries, since a large proportion of government revenues come from this source. The functioning of the markets for many of these commodities could be improved.

Through the Lomé Convention and its instruments providing compensation for the loss of export earnings for agricultural and many other products, the European Union is addressing this issue. The Union hopes that the agreement that is to replace the Lomé Convention after the year 2000 will contribute to the integration of African countries into the globalized world economy. We also emphasize the importance of the further diversification of the production and export structures, which is crucial.

Under the EU Lomé Convention with the African, Caribbean and Pacific (ACP) countries and Mediterranean agreements with North African countries, the European Union provides favourable and preferential access to its market for African exports. For example, the Union provides tariff- and quota-free access to imports of textiles from African least developed countries. But, as the Secretary-General's Panel of High-level Personalities on African Development noted at its recent meeting, chaired by Mr. Poul Nielson, Minister for Development Cooperation of Denmark, there remains significant scope for addressing trade barriers to African exports in important markets. The European Union also agrees with the Panel's underscoring of the importance of building supply capacity to take advantage of new and existing market opportunities and making Africa more competitive.

External debt continues to be a serious impediment to sustainable development for many African countries. Unless the external debt is reduced to sustainable levels, especially for the poorest countries, the benefits of reform risk being swallowed up by increased debt services. On top of the financial debt relief already granted in the framework of the Paris Club and on a national basis — *inter alia*, through the cancellation of official aid debt and debt-swap arrangements — the European Union member States will fully participate in the Heavily Indebted Poor Countries Debt (HIPC) Initiative in order to alleviate the debt burden for the poorest countries. Although the European Union is primarily a donor of grant aid and is only a small creditor to highly indebted poor countries, the Community has recently agreed to fully participate in the Initiative. The European Union will strengthen its support to highly indebted poor countries by targeting more of its resources to structural adjustment support and by reinforcing its support for debt management in accordance with the Lomé Convention.

In the ongoing negotiations regarding successor arrangements for the present Lomé Convention, the EU has made far-reaching proposals for a new global partnership with Africa, the Caribbean and the Pacific, which include three components: political dialogue, support for development and economic and trade cooperation. Responsibility for the preservation of a political environment conducive to peace, security, respect for human rights, development and reducing poverty lies with each country. The European Union's role is to support those efforts. The objective of reducing and eradicating poverty has to be the central concern, to be achieved through more sustained development and greater competitiveness, as well as the development of the private sector and improved access to social services.

As regards trade and economic cooperation, the European Union's proposal aims at further developing our trade cooperation in a strengthened economic partnership. The main objective is to facilitate the progressive integration of ACP countries into the world economy. There is a clear link between development cooperation and the establishment of a regulatory framework favourable to trade development and investment. The search for stability and predictability in economic and trade policies is a key element in this approach.

The European Union is proposing to negotiate economic partnership agreements covering free-trade areas and an enhanced cooperation in trade-related matters with such groupings which are engaged in a regional integration process. Appropriate transition periods will have to be defined, and development programmes will assist the process of restructuring and reform. Those agreements will have to be negotiated pragmatically, taking account of the economic and social constraints of each country. The Union is proposing to manage the process with a maximum of flexibility, in relation to the coverage of liberalization, the duration of the implementation period and the degree of asymmetry in the process of tariff dismantlement. The Union is also ready to undertake commitments to protect infant industries and to look at the application of World Trade Organization (WTO) rules to take into account the special economic and social needs of ACP countries, particularly with respect to safeguards.

The level of development of each partner country is obviously important. That is why the current non-reciprocal trade regulations will be maintained with least developed countries that are not members of a regional group entering into an economic partnership agreement

with the European Union. All least developed countries will see their market access regime improving from the year 2000 in such a way that by 2005 they will benefit from duty-free access to the European Community market for, essentially, all products. For those ACP countries not in a position to enter into economic partnerships, the European Union will consider ways of providing them with a framework for trade which is equivalent to that which they currently enjoy. The Union will examine all alternative possibilities in order to provide these countries with a new framework for trade between them and the European Union which is equivalent to their existing situation under the Lomé Convention and in conformity with WTO rules. In particular, the European Union will take into account their interests in the review of the Generalized System of Preferences in the year 2004, making use of the differentiation permitted by WTO rules.

Women play a key role in the African economy, accounting for 60 per cent of the output in the informal sector and 70 per cent in the agricultural sector, but they have only very restricted access to material production factors and services. Still, not enough support is given to local economies or to encouraging innovative entrepreneurial attitudes in which women are frequently key players. It is therefore imperative that women be involved in all development measures on an equal basis, as they frequently have more practical knowledge in, for instance, agriculture, street trading and food production. Gender discrimination needs to be eliminated in social, political and economic contexts, and women have to be given equal access to education and economic resources, and in particular to credit, inheritance and ownership.

Africa's development is closely linked to peace, security and stability. As part of its efforts to secure global security, including in the situation on the African continent, the European Union has called for a ban on the use of landmines, a code of conduct on arms exports and a limitation of military budgets to 1 per cent of gross national product. The European Union commends efforts by African States and regional and subregional organizations, in particular the Organization of African Unity (OAU), to resolve conflicts by peaceful means. Under its common position on conflict prevention and resolution in Africa, the European Union is ready to assist in building capacities for conflict prevention in Africa, particularly through the OAU and African subregional organizations.

The Union reiterates that protecting all human rights and fundamental freedoms, promoting transparency and accountability in public administration and fighting corruption are crucial and necessary steps in building peace and promoting development. In this respect, development cooperation has to play an important role.

The Union is the world's leading source of development assistance to Africa, providing more than two thirds of total official development assistance flows to sub-Saharan Africa. Development assistance remains a vital component to the policies pursued by the African countries. This particularly concerns the least developed countries, three quarters of which are in Africa. In line with the Treaty on European Union, we are actively committed to improving the operational coordination of development cooperation among ourselves and with partner Governments and other international development actors, such as the United Nations family. Also of crucial importance is an enhanced coherence between our development policy and other policies which are likely to affect developing countries.

UN-NADAF underwent an evaluation of its implementation and a mid-term review in 1996. It is critical that we keep the Agenda, which includes the implementation of the United Nations System-wide Special Initiative on Africa, under constant review to maximize its outcome, which is to be appraised in 2002. The recent recommendations of the Secretary-General are an important element in this process.

The international community has taken a wide range of initiatives in support of African efforts. Overlap and duplication limit their impact on African development. As the recent meeting of the Secretary-General's Panel of High-level Personalities on African Development recommended, African countries and their partners should identify and rank priorities, define respective responsibilities and agree on realistic, measurable targets in priority areas. Let me conclude by repeating the closing remarks of Minister Nielson at that meeting of the Panel. He said that the risks of reversal of recent gains, as well as the threat of further marginalization of Africa are high and that we need to keep the issues confronting Africa at the forefront of the international agenda.

Mr. Soeprapto (Indonesia): Let me begin by expressing, on behalf of the Group of 77 and China, our appreciation to the Secretary-General for the informative reports on this most important issue facing the international community.

It is now seven years since the United Nations New Agenda for the Development of Africa in the 1990s (UN-

NADAF) was launched as a political compact between the African States and the international community for the promotion of the continent's development, one of the major development challenges in the post-cold-war era. Two years ago, the mid-term review of UN-NADAF took place. It was designed to evaluate the progress achieved in reaching the goals of the New Agenda and to agree on further measures to ensure their attainment. At that time the Assembly recorded its disappointment with the progress registered. During the review, the international community reiterated its support for the efforts of the African economies to reach their objectives.

In the two years since the mid-term review of the New Agenda, two significant and revealing trends have clearly emerged. First, the two-decade-long decline in per capita income was reversed in 1995, and the upturn was maintained up to last year. Though the recovery is not robust enough to reverse marginalization and economies have remained very vulnerable to the external environment, the improved performance, including a positive trend in domestic savings, clearly indicates that the commitments undertaken in the New Agenda, as well as in other institutions, were having a positive impact and that the continent was back on the path of sustained development. While these trends are encouraging, the multiplicity of constraints confronting the African economies makes such progress difficult to maintain, and it is particularly difficult to reach the target levels necessary to achieve the objectives of the Agenda under current external conditions.

These conditions result from the second major trend: globalization and the global financial crisis, and they do not bode well for the vulnerable economies and fragile situation in Africa. Coupled with such factors as conflicts, disease and the effects of El Niño, the darkening external environment is again exacting a heavy toll and is severely hampering prospects for the rehabilitation and development of the African continent. It is also true that the major adjustments undertaken by the economies of Africa have not yielded the desired outcome. These profound challenges to the successful implementation of UN-NADAF are of deep concern to the Group of 77 and China, and they call for concerted support from the international community.

As a result, a major dilemma looms for Africa, particularly in the wake of the Asian crisis. While the need for growth and development requires economies to increase their integration into the global market places, the exposure of vulnerable and unprepared economies to the unfettered forces of the market can increase their risk of marginalization and even collapse. Thus, we agree with the report of the Secretary-General that globalization tends to intensify the marginalization of those countries that do not have the capacity to increase exports or to attract investment rapidly. The reality of Africa's exports is that they are narrowly based on commodities, and with the recent plunge in commodity prices, an already difficult situation has been further compounded. More ominously, as pointed out in the report, while the benefits accruing to non-Organisation for Economic Cooperation and Development countries from the Uruguay Round are expected to be between $30 billion and $90 billion in 2002, Africa is expected to lose $1.2 billion each year. In response, it is critical that the international community seek to halt and reverse this haemorrhaging. In this context, it is vitally important that international markets be opened to African exports and that their share of the global market, which currently accounts for only 2 per cent of world trade, be increased. Moreover, the international community should strive to help the African economies diversify into non-traditional exports, particularly in such areas as manufacturing and to help them promote industrialization.

One of the most critical constraints facing development in Africa continues to be the severe shortage in financial resources. In the current situation, and given the general level of development, it is increasingly difficult to generate domestic savings for development. Moreover, the magnitude of the debt and debt-servicing burdens in Africa constitutes a significant drain on domestic savings in these economies. Thus, there is no doubt that such savings must be supplemented by additional resources from the outside. At the same time the reality is that, in this era of globalization, it is difficult to attract sound investment in economies in the early stages of development. Moreover, the official development assistance that many economies in Africa have come to depend upon has also declined. This decline in official development assistance obviously reflects a regrettable trend resulting from the globalization process: donor countries have begun to rely more on private capital to meet the resource requirements of the developing countries. It is rather paradoxical, however, that at a time when Africa was succeeding in its recovery, the additional resources of external funding virtually dried up. It is imperative, therefore, that the international community not squander this unique opportunity to help Africa maintain its new-found growth and development. Therefore, we sincerely urge that Africa's efforts to implement the New Agenda be fully supported.

Closely related to the mobilization of financial resources is the question of crippling external indebtedness. As reported in this year's Trade and Development Report, there is ample evidence to show that Africa's external debt burden is in fact having a severe adverse effect on both public and private investment and renewed growth. Taken as a proportion of exports and gross domestic product, the external debt of Africa is the highest of any developing region. To redress this, a number of initiatives have been launched over the years, yet none have succeeded in resolving this stubborn, perennial question. One initiative that is showing promise, however, is the Heavily Indebted Poor Countries Debt Initiative of the International Monetary Fund (IMF) and the World Bank. It provides a more comprehensive and equitable debt strategy that includes debt reduction so that these countries can bring their debt burden down to sustainable levels. This is a welcome initiative, but there is still room for further revision so as to enhance its effectiveness, sustainability and scope to cover other such countries. We believe that the eligibility criteria should be more flexible, and there is an urgent need for increased resources to ensure speedier implementation.

Before concluding, let me briefly refer to one other critical issue that needs to be further addressed if the New Agenda is to be successfully implemented: the need for improved coordination and feedback between the global political process and the operational levels in the field.

But at present, as stated in the report, there seems to be little feedback between these global and national entities. There is therefore an urgent need for the System-wide Special Initiative on Africa, which is responsible for such coordination, to seek greater involvement of the recipient countries at the field level. We support the assessment in the report favouring the establishment of a mechanism so that direct input on needs and constraints can be provided by Governments and national experts.

In conclusion, the Group of 77 and China believe that the international community should support the initiatives of African countries by seeking to remove remaining constraints on and obstacles to capital migration and the liberalization of markets to allow free entry for African exports. And where private capital is unlikely to flow, such as to the social and infrastructure sectors, official assistance must be strengthened. In addition, while, as outlined in the report, the organizations of the United Nations have accomplished much to advance the New Agenda, there is still a need for those organizations and all other parties concerned to relaunch their efforts to build on the positive results achieved so far and to strive vigorously to bring the New Agenda for the Development of Africa in the 1990s to full fruition in the new millennium.

Mr. Chowdhury (Bangladesh): The indomitable spirit of Africa has energized us always. It is in the perspective of our commitment to the development and prosperity of Africa as a developing region that Bangladesh is honoured to participate in the General Assembly's discussion of progress in the implementation of the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF), including measures and recommendations agreed upon at its mid-term review.

With the establishment of Africa as one of the five priorities of the United Nations in the 1990s, intergovernmental mechanisms needed to be created that would give new direction for the much needed international support in favour of African countries. The General Assembly unanimously decided at its forty-sixth session to launch the United Nations New Agenda for the Development of Africa in the 1990s, with great expectations of change for the better. It may be recalled that the new initiative was based on the recommendation of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990. The first goal of the New Agenda was to stop and reverse the continuing deterioration of the socio-economic situation of African countries and to renew the commitment of the international community to supporting Africa's own efforts to achieve sustained economic growth and sustainable development. Priority was given to the accelerated transformation, integration, diversification and growth of African economies in order to integrate them with the world economy, reduce their vulnerability to external shocks, increase their dynamism, internalize the process of development and enhance self-reliance. An average real growth rate of 6 per cent per annum in gross national product was set in the New Agenda. UN-NADAF reiterated that the development of Africa was the responsibility of the Africans. However, it also accepted the principle of shared responsibility and the full partnership of the international community in the development of Africa.

Mr. Mungra (Suriname), Vice-President, took the Chair.

Seven years have passed since UN-NADAF was adopted. During this period we have, of course, seen promising economic trends in many African countries. The Secretary-General's progress report observes in paragraph 11 that compared to the early 1990s, twice as

many countries — 40 — recorded growth rates of 3 per cent or more. However, we have seen severe setbacks in many of the African countries, and the target of 6 per cent growth has not yet been achieved by a large number of African countries.

While globalization and liberalization usher in economic dynamism, their negative consequences take a heavy toll on the economies of the least developed countries, 33 of which belonging to Africa. In the name of better economic prospects, they are being marginalized. Their economies can hardly absorb the shocks of the fast changes, as they are unable to increase exports and attract investment within a short span of time.

Africa's external debt burden is the highest among developing countries in terms of the ratio of external debt to gross domestic product and in terms of debt servicing. Debt servicing takes away a large portion of the national income of African States. The recent advance in the international strategy to relieve the debt burden of highly indebted poor countries will have some effect, but more needs to be done, not only for Africa's low-income countries but also for its highly indebted middle-income countries. Bangladesh strongly supports the proposal made by the Secretary-General in his 1998 report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871) for conversion of all the remaining official debt of the poorest African countries into grants by the creditor countries.

We have noted that during the last few years African countries have undertaken a wide range of measures to encourage private sector participation and attract foreign investment. Many countries of Africa have managed to make progress in macroeconomic reform and in liberalization of the external sector. The Secretary-General's report states that the United Nations Development Programme (UNDP) has launched an important initiative for a total of $9 million to provide a regional framework for facilitating and coordinating support activities for small and medium-sized enterprises in Africa. Africa has also reaffirmed the emerging role of non-governmental organizations as development partners. Adoption of the African Charter for Popular Participation in Development and Transformation is clear evidence of Africa's commitment in this regard. Despite this, Africa as a whole has attracted only paltry sums of private capital flows, and these are again concentrated in a handful of countries.

Since the mid-term review of UN-NADAF, significant progress has been made in the African countries in the area of human development. Improvements in health care have led to a decrease in mortality rates. National population policies have in most cases been successfully put in place. Literacy and gender parity in access to education have increased. Women have been playing an increasingly important role in the development of the continent. To make greater progress in these areas, the mid-term review recommended that African countries should endeavour to increase resource allocations in the priority areas of basic education, primary health care, enhancing scientific and technical capacities and creating productive employment and income opportunities. It also recommended the adoption of the 20/20 concept of mutual commitment for basic social programmes by recipients and by donors alike.

We find that poverty eradication was not treated by the mid-term review as a key area, but rather as a cross-cutting issue dealt with within the context of economic reforms, environment and development and the human dimension. In this connection, we are pleased that the Secretary-General's report contained in document A/53/390 recognizes that since the mid-term review, emphasis has been put on microcredit as a means to empower the poor and that this has prompted the United Nations system to devote particular attention to the subject. Bangladesh would like to underline the important role that microcredit can and has been playing in the eradication of poverty and the empowerment of women in particular. We have also noted that the early 1998 study on poverty eradication in Africa done by the United Nations Office of the Special Coordinator for Africa and the Least Developed Countries (OSCAL) has recognized the existence of the vast inherent potential in Africa for people-centred development.

The effective mobilization of financial resources continues to be a critical development issue for the African region. We recall that the Secretary-General's report to us in 1991 estimated that there was a need for at least $30 billion in net transfers of official development assistance for 1992 and that a subsequent annual increase of 4 per cent was necessary to achieve the objective of a 6 per cent growth rate. Today, development experts claim that the African economy needs to grow at the rate of 8 to 10 per cent annually in order to significantly reduce poverty. This would require a level of resource flows much higher than what was mentioned by the 1991 report covering the decade of 1990s. We ask the international community to address this issue with all seriousness.

No domestic efforts can be successful in the developing countries, including African countries, unless they are matched by equally robust and positive international support. In this context, we urge the international community to spend at least 50 per cent of donor aid to Africa in that continent. It may be recalled that the Secretary-General called for this in his earlier report on the causes of conflict and sustainable development in Africa, which was also discussed in this body a few weeks ago.

We support the Secretary-General's call to the Bretton Woods institutions to provide peace-friendly structural adjustment programmes. Bangladesh welcomes the outcome of the second Tokyo International Conference on African Development (TICAD II) — which was hosted by Japan last week — as it identified critical development issues in Africa, specified goals and objectives and called upon the international community to come forward to support the efforts of the African countries.

We are confident that with the judicious and collaborative support of the international community, Africa will overcome its economic problems and reduce dependence. Africa is faced with many problems, but it also has a large inherent potential, both material and human, for growth and development. Africa has demonstrated these potentials during the last seven years of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s. With the support and solidarity of us all, the United Nations can contribute substantially to Africa's own efforts through full and effective implementation of the New Agenda.

Mr. Konishi (Japan): With the adoption of the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF) by the General Assembly in 1991, African countries reaffirmed their primary responsibility for their development, and the international community committed itself to supporting the efforts of African countries on the basis of the principles of partnership and shared responsibility.

Since the adoption of the New Agenda, awareness of the serious plight and urgent needs of African countries has grown; and in supporting African development, a wide range of multilateral and bilateral initiatives have been proposed. All those initiatives are significant, but it is imperative that they be implemented in a coordinated manner in order to have a real and durable impact on African development.

While some progress has been made in implementing the New Agenda, much remains to be done. What has been achieved thus far and what is left to be done should be fully analysed, and ways and means of acting on the problems that remain should be vigorously pursued. In this context, collaboration among the development partners concerned has acquired critical importance. We also hope that the recent report by the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa will provide strong impetus for accelerating the implementation of UN-NADAF.

Japan has been trying to realize the goals and objectives of UN-NADAF through the process of the Tokyo International Conference on African Development (TICAD). TICAD has much in common with UN-NADAF. Both stress economic transformation, integration, diversification and growth. The primary theme of TICAD II is poverty reduction through accelerated economic growth and sustainable development and effective integration of African economies into the global economy. This is also the main objective of UN-NADAF. Therefore, allow me to take this opportunity to explain what TICAD II has achieved in this regard.

Last week, together with the United Nations and the Global Coalition for Africa, Japan organized TICAD II, which was attended by the Secretary-General and a number of heads of State or Government of African countries and international organizations. The Conference concluded with the adoption of the Tokyo Agenda for Action, which articulates the critical issues in African development and the need for increased support from development partners.

The principal approach of the Tokyo Agenda for Action is output-oriented. We believe that an output-oriented approach based on common goals and objectives and measurable indicators should be pursued by all development actors to enhance the impact of development efforts. For this purpose, all — including the Bretton Woods institutions, the private sector and civil society — should engage in active collaboration and take joint action in promoting African development. Development actors need to define the expected outcome of development activities at the beginning and then monitor and evaluate performance against benchmarks and indicators. The results should be fed back into new activities so that lessons learned today contribute to the enhancement of activities tomorrow. We believe that such a cycle in a collaborative output-oriented approach will undoubtedly

increase the impact of development efforts in African countries.

The Tokyo Agenda for Action singled out three areas as critical development issues: social development, economic development and basic foundation for development. In the area of social development, education, health and population and other measures to assist the poor are stressed as a means of promoting human resources development. In the area of economic development, the focus is on the private sector, industry, agriculture and external debt. Good governance and conflict prevention and post-conflict development are identified as a key to a basic foundation for development.

The Tokyo Agenda for Action not only delineates the critical development issues in Africa, it also enunciates the goals and objectives to be pursued and the action to be taken by African countries and their development partners. In order to attain the goals and objectives that are set forth, three concrete approaches are laid out. They are: strengthening coordination, promoting regional cooperation and integration, and expanding South-South cooperation. At the same time, emphasis is placed on capacity-building, gender mainstreaming and environmental management as cross-cutting themes to be incorporated in all activities undertaken within the framework of the Tokyo Agenda for Action.

It is very important that this Tokyo Agenda for Action be followed up and translated into the development policies and programmes of the participants. Without appropriate follow-up, the Tokyo Agenda for Action is pie in the sky. In order to assist participants in translating their commitments into concrete action, an illustrative list of programmes and projects was distributed to the participants at the conference which contains successful examples and model cases of ongoing development efforts of countries and organizations. The review meetings are to be held periodically to monitor progress towards the goals and objectives using appropriate indicators.

In line with the Tokyo Agenda for Action of TICAD II, Japan is determined to play a leading role in development cooperation in Africa. Prime Minister Obuchi stated at TICAD II that Japan will strengthen its future actions as follows.

First, it will devote greater attention to basic human needs, including, most importantly, primary education, health and medical care, and the supply of clean and safe water.

Secondly, Japan will pursue human resources development, especially through South-South cooperation. It will provide financial and technical assistance to enable 2,000 nationals from African countries to receive training over the next five years in Asia and North Africa.

Thirdly, in order to foster the growth of the private sector in Africa, particularly through the promotion of trade and investment from Asia, Japan will assist in establishing an African investment information service centre in an Asian country. In addition, it will support the organization of an Asia-Africa business forum within the next year in order to help explore business opportunities for Asian and African enterprises.

Fourthly, to deal with African debt issues, Japan to date has extended approximately 30 billion yen to African countries in debt-relief grant aid and is giving serious consideration to increasing the number of eligible countries and expanding the scope of the designated debt. In order to improve debt-management capacity, it will launch debt-management training as part of its technical cooperation programmes.

We believe that Africa has a bright future, if the necessary political will is demonstrated on the part of Africa and on the part of the international community as a whole, and if all the initiatives are implemented in synergy and with the collaboration of development actors.

In concluding my statement, I should like to express my delegation's hope that by working together, we will be able to promote implementation of the goals and objectives contained in the United Nations New Agenda for the Development of Africa in the 1990s.

Mr. Rubadiri (Malawi): We should like to associate ourselves with the statement made by Indonesia on behalf of the Group of 77 and China. We would like to add our voice as one that comes from the African soil itself.

Two years ago, the international community conducted a mid-term review of the implementation of the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF), a programme which was set up to address the socio-economic ills of the African continent. The review re-emphasized, among other issues, the two basic components of the New Agenda: ownership by the African States themselves and global partnership, which calls for a concerted international effort.

The Malawi delegation welcomes the progress report by the Secretary-General on the implementation of UN-NADAF (A/53/390). My Government fully associates itself with the New Agenda as an integral part of its national effort aimed at the eradication of poverty and a general transformation of the economic well-being of its citizenry.

We note the linkage established between the New Agenda and the United Nations System-wide Special Initiative on Africa, and we welcome the designation of the latter as the implementation arm of the former. My delegation would further like to acknowledge the relevance to the New Agenda of the Secretary-General's report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871).

My delegation would like to register its satisfaction at the commendable effort which the United Nations system has made towards the implementation of the New Agenda since the mid-term review. In addition, Malawi would like to pay tribute to the Government of Japan for its commitment to the promotion of development in Africa through the Tokyo International Conference on African Development (TICAD) process.

We further welcome the number of initiatives taken by the United Nations system in support of promotion of the private sector and foreign direct investment in Africa. It is observed in the progress report that since the mid-term review, certain countries in the continent have encouraged privatization as an instrument for the mobilization of resources, while others have created a more enabling environment for attracting foreign direct investment.

The international community cannot make meaningful progress with the New Agenda in the absence of economic reforms which should, of necessity, embrace efforts towards effective mobilization and efficient utilization of domestic resources. Legislation, taxation and export diversification are some of the areas we in Africa are looking into. The continued participation in this endeavour of the Bretton Woods institutions is a matter which I think my delegation also will fully acknowledge.

The mid-term review recommended, among other things, that African countries intensify efforts to improve governance and continue to broaden popular participation.

It is at this juncture that I find some kind of contradiction. For how indeed can one achieve the dream of good governance while in poverty? Poverty by itself poses the danger of bad governance. It facilitates political gerrymandering and manoeuvres — for who with an empty stomach will vote for democracy when the stomach asks for bread? In this sense, democracy will continue to breed what we all abhor: the dictator, because he knows how to use words and can also use a gun.

Broadening popular participation should include strengthening the role of women in development and in the decision-making process. The progress report outlines the notable work that is being carried out by the African countries, supported by the United Nations system, in the democratization process, in strengthening civil society and in the search for a lasting solution to conflicts and civil strife in the continent.

The problem of external debt faced by many African countries is a well-known impediment to the implementation of the New Agenda. The Heavily Indebted Poor Countries Debt Initiative, though a move in the right direction, has proved to be seriously inadequate. Malawi therefore fully associates itself with the call made by the Organization of African Unity for an international agreement that would clear the entire debt stock of the continent's poorest countries.

A few days ago I was at the great Columbia University, here in New York, and a very distinguished American lady who impressed us enormously was trying to address the assembled audience on this same problem. Following the African oral tradition, she told a story. The story was extremely pertinent and beautiful. But like all stories, it ended up by simply hinting that maybe my uncle and I are still scratching our bottoms and sleeping on our backs waiting for the banana to fall in our mouths.

I stood up and told another story. The story may also be pertinent and may also reinforce what the speaker was trying to say. I chose the style of the New Testament.

There was an African country that woke up with a lot of disease — malaria in the blood system. On the way to find somebody who would help — and we can substitute "cash", "money" or "aid" for the word "blood" — he found somebody who had gained many virtues by having been to his own malaria-stricken country and having made use of all the technical aid and vast resources of the continent. For indeed, as somebody said, when God got tired of decorating countries, especially India, in his hand he had all the riches with which to decorate other countries. But instead he said, "Why don't we just throw them on this huge question-mark continent?" And all of them fell in the Congo. As

indeed we all know, the Congo helped win the Second World War by providing the heavy water that made that bomb that we all know too well.

But as my uncle, or my country, was told, "There are people somewhere called the World Bank and the International Monetary Fund (IMF). Why don't you go and ask them to give you a blood transfusion, to give you help?"

My uncle said, "But how can I walk there. I can barely even stand up? All the blood I had seems to have gone somewhere, to this Bank, I am told."

He was told, "Don't worry, we'll fly you there first class via London."

And indeed he was flown first class via London and arrived at the World Bank in Washington. And then he was told, "Do you know, you need a blood transfusion."

And he said, "Yes, indeed, that is what has brought me here."

The Bank said, "But do you remember that I lent you three pints of blood a couple of years ago?"

He said, "Yes, I do remember indeed, and I thank you and everybody for lending me three pints of blood."

The Bank said, "Well, all you need is two pints of blood, but until you pay for the first three pints of blood, I am sorry, I cannot lend you the two pints."

At this moment, he died in front of the World Bank.

Here I am trying to express in a rather absurd manner the meaning of the word "globalization".

The progress report paints a bleak picture of the situation of Africa in international trade. With only a miserable 2 per cent of world trade, Africa's share of the global market remains dauntingly low, and it continues to rely on a single commodity for more than three quarters of its total exports. Ongoing efforts by the United Nations Conference on Trade and Development and the World Trade Organization to promote trade facilitation and to improve market access by African countries deserve the strong support of the international community.

Malawi is not standing idle in all this. The Government is actively engaged in the implementation of the various aspects of the New Agenda. In governance, for instance — good governance — the strengthening of civil society, the advent of a multiparty system of government — all this has paved the way for popular participation and the continued consolidation of the new political arrangement. Women and young people are increasingly being integrated into the decision-making process.

All these are perhaps words that might have pleased that great man Thomas Jefferson. But at what moment can one achieve good governance when all this really concerns is mere trade and the sheer interest of the globalization of trade power?

The Government has instituted bold macroeconomic reforms, for instance, which include the structural adjustment programme of the IMF. Reforms undertaken in legislation, taxation and the banking system, among other areas, have created a climate that is conducive to foreign investment. Malawi is pursuing a steady programme of privatization, through the National Privatization Commission, in recognition of the role of the private sector as an engine of economic growth.

But we note that despite an exceptional growth rate of 5.2 per cent in 1996 for African agricultural production, growth declined to 1.7 per cent in 1997 — in the period of a year — with the food sector recording a devastating 10.5 per cent drop in cereals production. Malawi was not spared the decline. Recurrent drought affecting the southern Africa subregion has largely accounted for this. My Government therefore welcomes the launching in 1994 by the Food and Agriculture Organization (FAO) of the Special Programme for Food Security. Malawi is committed to the Programme, which is linked to its Presidential Commission on Land Reform, an undertaking being supported by the FAO.

The progress report observes that globalization — a word which has now overtaken the word "villageization" — has tended to marginalize countries which lack the capacity to increase exports or to attract investment. In this regard, the African continent is said to have been significantly marginalized in the short term, as exports remain narrowly based on primary commodities.

It is distressing to learn that Africa is expected to lose $1.2 billion every year — which is barely the pocket money that a rich gentleman in this country gave last year to the United Nations — while benefits accruing to non-member countries of the Organisation for Economic Cooperation and Development from the Uruguay Round

of multilateral trade negotiations are expected to be between $30 billion and $90 billion in 2002.

We therefore call on the international community to address squarely the critical areas identified in the progress report in order to move further ahead with the implementation of the New Agenda. There is a need to address issues of the debt overhang, declining official development assistance flows, market access and the general mobilization of financial resources for African countries.

Before concluding, I would like to compliment the representative of Malaysia on a great statement, for here indeed is a country which, after this globalization, had been pulled down, but then stood up and made a statement which gives us hope.

The meeting rose at 1 p.m.